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ABSTRACT

This Oklahoma state plan documents the policies and procedures that public and private schools, agencies, and institutions follow when providing special education and related services to handicapped children, consistent with Public Law 94-142. Part I includes submission statements and certifications. Part II contains policies, procedures, and descriptions relating to right to education, full educational opportunities goal, child identification, individualized education programs, procedural safeguards, least restrictive environment, protection in evaluation procedures, comprehensive system of personnel development, participation of private school children, private school placement, recovery of funds for misclassified children, notice and opportunity for hearing on local education agency application, annual evaluation, responsibility of the state department of education (SDE) for all education programs, SDE monitoring procedures, direct services by the SDE, implementation procedures, and confidentiality. A report on how funds from Part B of the Education of the Handicapped Act (EHA-B) will be used is also provided. Addenda, which make up the bulk of the plan, contain a 110-page special education policies and procedures manual, interagency agreements, due process procedures manual, checklist for local education agency district plan development and review, policies and procedures manual for use of EHA-B funds, and special education monitoring procedures checklist. (JDD)

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Oklahoma State Plan

FY 88-90

PART B of the Education of the Handicapped Act as amended by Public Law 94-142

EC 231109

Oklahoma State Department of Education
John M. Folks, State Superintendent of Public Instruction

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INTRODUCTION

This document is the FY 88-90 plan for the State of Oklahoma for educating handicapped children. It is a restatement and reaffirmation of policy and procedure that all public and private schools, agencies and institutions follow when providing special education and related services to handicapped children.

Policies and procedures contained in this document were established through a succession of preceding Annual Program Plans approved by the Bureau of Education for the Handicapped (now Office of Special Education Programs) from 1977-87.

Each section was developed using the checklist provided by Special Education Programs and is consistent with the letter and spirit of Public Law 94-142. This plan reflects a commitment on the part of all Oklahomans to work together to improve the quality of life for exceptional children.

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ADDENDA

1. Policies and Procedures Manual for Special Education
2. Interagency Agreements
3. Due Process Procedures Manual
4. District Plan
5. Policies and Procedures Manual for Use of EHA-B Funds
6. Special Education Monitoring Procedures Checklist

PART I - SUBMISSION STATEMENTS
AND CERTIFICATIONS

A. SUBMISSION STATEMENT

I, the undersigned authorized official of the State Education Agency of Oklahoma, hereby submit the following State Plan for Fiscal Years 1988-1990 under Part B of the Education of the Handicapped Act, as amended by Public Law 94-142.

Signature of Authorized Official

Date

Dr. John M. Folks, State Superintendent of Public Instruction

B. ASSURANCE STATEMENTS

The State of Oklahoma makes the following assurances and provisions as required by Part B of the Education of the Handicapped Act, as amended (20 U.S.C. 1411-1420):

I. In carrying out the requirements of 20 U.S.C. 1412, procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children (20 U.S.C. 1412 (7) (A)).

II. Programs and procedures will be established to assure that funds received by the state or any of its political subdivisions under any other federal program, including Chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801-3807) and Section 122 of the Vocational Education Act of 1963 (20 U.S.C. 1232), under which there is specific authority for the provision of assistance for the education of handicapped children, will be utilized by the state,or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such federal programs (20 U.S.C. 1413 (a) (2)).

III. Federal funds made available under the Act (A) will not be commingled with state funds, and (B) will be so used as to supplement and increase the level of federal, state, and local funds (including funds that are not under the control of state or local educational agencies) expended for special education and related services provided to handicapped children and in no case to supplant such federal, state, and local funds, except that, where the state provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the Secretary may waive in part the requirement of this clause if he concurs with the evidence provided by the state (20 U.S.C. 1413 (a) (9)).

IV. The state has an advisory panel, appointed by the Governor or any other appointed official authorized under state law to make such appointments, composed of individuals involved in, or concerned with, the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, state and local education officials, which (A) advises the state educational agency of unmet needs within the state in the education of handicapped children, (B) comments publicly on any rules or regulations proposed for issuance by the state regarding the education of handicapped children and the procedures for distribution of funds under the Act and (C) assists the state in developing and reporting such data and evaluations as may assist the Secretary in the performance of his responsibilities under 20 U.S.C. 1418 (20 U.S.C. 1413 (a) (12)).

V. The Education of the Handicapped Act, as amended, will not be construed by the state to permit the state to reduce medical or other assistance available under, or to alter the eligibility requirements of, programs funded in whole or in part through Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, with respect to the provision of a free, appropriate, public education for handicapped children within the state.

C. GENERAL STATE APPLICATION--EDGAR ASSURANCE

The state educational agency has submitted to the Secretary a certified general application containing the assurances set out in 34 CFR 76.101 and this application is consistent with current federal and state law.

_____x_____ Yes   ___________ No

If no, then submit assurances consistent with 34 CFR 76.101.

D. CERTIFICATIONS REQUIRED BY EDGAR

In accordance with 34 CFR 76-104 the state educational agency assures:

I. That the plan is submitted by the state agency that is eligible to submit the plan.

II. That the state agency has authority under state law to perform the functions of the state under the program.

III. That the state legally may carry out such provision of the plan.

IV. That all provisions of the plan are consistent with state law.

V. That a state officer, specified by title in the certification, has authority under state law to receive, hold, and disburse federal funds made available under the plan.

IV. That the state officer who submits this plan, specified by title in the certification, has authority to submit the plan.

VII. That the agency that submits the plan has adopted or otherwise formally approved the plan.

VIII. That the plan is the basis for state operation and administration of the program.

E. EXECUTIVE ORDER 12372

This state certifies that:

To the best of our knowledge and belief, data in this State Plan are true and correct, the document has been duly authorized by the governing body of the state education agency and the state will comply with the attached assurances if the State Plan is approved.

The State Plan was submitted to the state's "single point of contact" under Executive Order 12372 on July 1, 1987.

F. PUBLIC PARTICIPATION (34 CFR 300.280-300.284 and 34 CFR 76.101 (e) (7) of the Edgar)

Documentation that public hearings have been held and that the plan has been made available as required is included in this section. See page 6 for further details.

Oklahoma State Department of Education
John M. Folks, State Superintendent
Communications & Information Section
2500 N. Lincoln Blvd.
Oklahoma City, OK 73105
(405) 521-3331

NEWS RELEASE

For Release: On Receipt

No: 860107

Contact: Jimmie L.V. Prickett (405) 521-3351

OKLAHOMA CITY -- Copies of the FY 88-90 State Plan for educating handicapped children and youth as required by P.L. 94-142 will be available for examination for 60 days in numerous locations throughout the state beginning April 9, 1987, John Folks, state superintendent of public instruction, has announced.

The State Plan establishing policies and procedures to insure that all handicapped children have available through the local school district a free and appropriate public education, that their rights will be protected, that local schools will be assisted and that efforts will be evaluated to determine effectiveness.

The draft of the State Plan may be reviewed at the Oklahoma State Department of Education in Oklahoma City and in any of the state's 20 regional education service centers (see attached list). Written comments must be submitted to the Special Education Section of the State Department of Education, 2500 N. Lincoln, Oklahoma City, OK 73105-4599 by Monday, May 11, 1987.

Persons interested in making oral comments regarding the State Plan for education of the handicapped will have opportunity at two public hearings scheduled during April. The schedule of public hearings, both at 7 p.m. is as follows:

Tuesday April 21, 1987	Okla. City.	Oliver Hodge Building, 2500 N. Lincoln, Oklahoma City State Board Room (1st Floor)
Thursday April 23, 1987	Tulsa	Tulsa County Area Vo-Tech School, STIC Bldg. 3420 S. Memorial, Tulsa, Oklahoma

LOCATIONS WHERE FY 88-90 STATE PLAN FOR EDUCATING HANDICAPPED CHILDREN AND YOUTH IS AVAILABLE FOR EXAMINATION

Ada Region:	RESC XIV, Irving Community Center, 704 N. Oak, Ada, (405) 332-6314, Steve Stewart, administrator
Afton Region:	RESC V, Afton Elementary, (918) 257-4228, Sue Bray, administrator
Altus Region:	RESC XVII, Robert E. Lee School, 600 W. Pecan, Altus, (405) 482-4197; Thel Cummins, administrator
Alva Region:	RESC II, 1540 Davis, Alva, (405) 327-0603; Doris Curtis Satellite: Tri-County RESC, Administration Bldg., 1023 10th St., Woodward, (405) 254-3232
Anadarko Region:	RESC XII, Anadarko Municipal Complex, S.W. 6 & Kentucky, Anadarko, (405) 247-6688; Pat Moran, administrator
Ardmore Region:	RESC XIX, #12 Broadlawn Village, Ardmore, (405) 223-2459; Harlyn Smith, administrator
Bartlesville Region:	RESC IV, Washington School, 316 S.W. Seminole, Bartlesville, (918) 336-3071; Lloyd Scott, administrator
Burns Flat Region:	RESC VI, John Ross Elementary, Burns Flat (405) 562-3127; David Cowan, administrator
Guymon Region:	RESC I, Academy Elementary, 8th & Academy St., Guymon, (405) 338-8901; Billie Marable, administrator
Hugo Region:	RESC XX, 505 W. Bissell, Hugo; (405) 326-5767, Glenda Fry Satellites: RESC, McKinney Hall, Durant; (405) 924-8866, RESC, 106 N.E. Avenue A, Idabel; (405) 286-5930
Kingfisher Region:	RESC VII, Courthouse Annex, 6th & Sheridan, Kingfisher; (405) 375-5666; Rebecca Brocato
Lawton Region:	RESC XVIII, Douglas Learning Center, Larrance and East Gore Blvd.; (405) 357-7185; Sandra Boyd
McAlester Region:	RESC XV, L'Overture Bldg., 14th & Cherokee, McAlester; (918) 423-6271; Raymond Trammell
Moore Region:	RESC XIII, 404 N. Chestnut, Moore; (405) 799-4458; Dianne Mathis
Muskogee Region:	RESC XI, Education Center, 570 N. 6, Muskogee; (918) 683-3040; Beverly Porter
Oklahoma Co. Region:	RESC VIII, Monroe Elementary, 4810 N. Linn, Oklahoma City; (405) 947-6165; Wayne Brooks
Sallisaw Region:	RESC XVI, Kindergarten Complex, 603 E. Choctaw; (918) 775-3722; Dale Kirk
Stillwater Region:	RESC III, Rosewood Hills, Suite #6, 211 N. Perkins Rd., Stillwater; (405) 624-1315; James Casey Satellite: RESC, 831 E. Oklahoma, Enid; (405) 234-5951 RESC Extension Office, 613 E. Grand, Ponca City; (405) 765-4520
Stroud Region:	RESC IX, Stroud Middle School; (918) 968-2518; James King
Tulsa Region:	RESC X, 812 East Admiral, Suite 121, Tulsa; (918) 663-2112; Jo Bennett
State Offices:	2500 N. Lincoln, Oklahoma City, (405) 521-4155, Dean Niles, director; Norma Buswell, administrator

(Post-Submission Notice)

NOTICE OF HANDICAPPED PLAN APPROVAL

Upon official notification of the SDE by SEP of the approval of the 88-90 State Plan for educating handicapped children, the following notice will be sent by the SDE Communications Section to the Oklahoma State Capitol Press Service for release to the media.

OKLAHOMA CITY--The Oklahoma State Department of Education has received notice from Tom Bellamy, Director of Special Education Programs, Department of Education, Washington, D.C., that Oklahoma's FY 88-90 State Plan for educating handicapped children has been approved by the United States Commissioner of Education, announced John M. Folks, state superintendent of public instruction.

Approval of the three-year plan under Part B of the Education of the Handicapped Act, as amended, meets grant award criteria. The State Department of Education will receive approximately $50,000,000 during the three-year period of FY 88-90.

As required by P.L. 94-142, all handicapped children, birth through age 21, must have access to a free, appropriate, public education. The funds will be distributed through the State Department of Education to local school districts on the basis of the number of handicapped children counted as served on December 1 of each year.

Copies of the plan may be obtained by contacting the Oklahoma State Department of Education, Special Education Section, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599, or any of Oklahoma's 20 regional education service centers.

PUBLIC C
FY88-90 ANNUAL PROGRAM P

Please submit your written comments to: Keith Haley, Special
Hodge Building, 2500 North Lincoln Boulevard, Oklahoma City, O

Reference Section____ Pg.____	Respondent	Conce

Note: Of the public comments received by the S
Program Plan draft, only one resulted in a chang
procedures of diagnostic personnel of the regiona

OMMENTS ON
LAN--PART B, PUBLIC LAW 94-142

Education Section, Oklahoma State Department of Education, Oliver
klahoma 73105-4599

rn	Recommendation	Department of Education Comments

State Department of Education on the FY 88-90 Annual
ge. Evaluation Form 4 was adapted to accommodate the
l education service centers.

PART II-SUBSTANTIVE REQUIREMENTS

A. POLICIES, PROCEDURES, AND DESCRIPTIONS

I. RIGHT TO EDUCATION POLICY STATEMENT

A. The Oklahoma State Department of Education (SDE) reaffirms the continuing commitment of the State to uphold the civil right of every handicapped child (0-21) of access to a free, appropriate, public education. (Addendum #1, Section I)

B. As the agency empowered to coordinate the supervision of all public and private special service programs throughout the state, the State Board of Education ensures through a variety of methods that required services are provided to all eligible handicapped children (0-21) in conformity with the requirements of P.L. 94-142. (Addendum #2, Section 223 (2))

C. To ensure all public and private agencies are fully and accurately informed of required policies and procedures that must be followed in providing appropriate public education opportunities to handicapped children and youth, the SDE annually distributes copies of its primary resource document *Polices and Procedures Manual for Special Education in Oklahoma* (Addendum #1). This manual was originally conceived as an adjunct to the State Plan and has since evolved into a highly utilitarian guide for designing, implementing, monitoring and evaluating special education programs. Basically, the manual describes:

1. The roles and responsibilities under P.L. 94-142 of the SDE, LEAs and other public and private special service providers
2. Policies and procedures to be followed by all parties, and
3. Forms to be used to document the IEP process.

D. Sections I (Introduction) and II (SDE and LEA Administrative Responsibility) of the manual state:

"These policies and procedures are . . . to assure all handicapped children residing in Oklahoma the right to a free, appropriate, public education."

". . . every handicapped child in Oklahoma, ages 0-21 years, has a right to an appropriate education."

II. FULL EDUCATIONAL OPPORTUNITIES GOAL

A. The Oklahoma State Department of Education (SDE) reaffirms the state's goal of providing Full Educational Opportunities (FEO) to all handicapped children as defined in the act through programs meeting standards established and approved by the State Education Agency.

B. This goal is consistent with the state's mandatory special education law enacted in 1970 and applies to all handicapped children, 0-21, subject to the following limitations:

1. From birth thru age three, services are mandated for the blind, partially blind, deaf and hard-of-hearing children and low incidence severely multiple-handicapped children, i.e., deaf-blind, retarded, cerebral palsied, autistic, and other children who fail to thrive from birth. (Oklahoma Statute 70-13-101)
2. Full services for all handicapped, ages 4 thru 18.
3. Services for ages 19 thru 21 are permissive except when a child has not received 12 years of education or graduated high school.

Under Oklahoma Statute (70-13-111),

> "the State Board of Education has the power and duty to stimulate all private and public efforts to educate or train handicapped children and to coordinate such efforts with the work and function of governmental agencies."

C. This authorization, combined with the mandate of Section 1412 (6) of the Act, has enabled the SDE to achieve the required degree of compliance and coordination with other agencies which has resulted in the development of policies and procedures insuring the adoption of the FEO goal by all agencies serving handicapped children.

III. CHILD IDENTIFICATION

A. Policy

Each school district shall identify, locate, and evaluate those handicapped children from birth through 21, within its jurisdiction, who are in need of special education and related services.

The policy for identification, location, and evaluation of handicapped children is under the administration of the Oklahoma State Department of Education. Local schools in collaboration with other public and community agencies at the county or local level will locate and identify persons with established or suspected handicapping conditions. The population will include in-school and out-of-school handicapped populations from birth through 21 years of age. Compliance with this regulation is strengthened by sanctions of federal funds appropriated for handicapped in various agencies and programs. Procedures for complaint resolution or disputes between agencies are established at the state level and utilize existing clarification routes for legal interpretation through the state attorney generals office and governmental relations process.

B. Procedure

The determination of need for special education and related service shall be determined by the following procedures as assured in the local district plan.

1. Each district shall further develop and established an ongoing awareness process in collaboration with parents, health, and social service agencies to inform persons about the state and federal programs for handicapped persons in *each of the respective agencies*. Procedure to *access* identification services shall be *disseminated*. New requirements for coordination of public agencies responsibilities shall be addressed to assure supplemental and non-supplanting usage of funds in accordance with Amendment to Education of the Handicapped Act, Amendments of 1986, Title II, Section 203.

2. Each district shall develop a comprehensive multi-agency procedure for formal observation, interviews, and routine interventions that clarify the nature of the suspected handicapping condition.

3. Each district shall develop a procedure for referral and comprehensive evaluation of persons with observed, substantiated, or screened handicapping conditions. The joint agency process will delineate financial responsibility, encourage team effort, avoid supplanting, and increases the accuracy of diagnosis and effectiveness of intervention.

4. Placement in special education and related services shall follow standards and identification criteria established in state and federal law.

C. Participating Agencies

Under the supervision of the State Department of Education, in-school identification policy and procedures include periodic and state-regulated testing programs which occur prior to first grade, during a kindergarten and intermittently throughout the grades to check and recheck growth. On-going referrals and evaluations are conducted by 20 regional education service centers and/or public schools or guidance center personnel. Timelines under the procedural safeguard regulations are monitored for the development of individual education programs and placement following evaluations by qualified examiners.

Current preschool identification efforts include joint agency and civic planning efforts through the Commission on Children, Youth and Families where extensive needs assessments and procedural plans have been developed through the early childhood state planning grant that required multi-agency involvement. A five-year procedural plan has been developed to improve collaborative identification and delivery of coordinated services. The intent will be to incorporate preschool policy and procedures into the annual program plan to assure full service goals under the Education of the Handicapped Act and State Statutes. Efforts are currently in place to inform parents and professionals about resources and strategies to maximize resources through Oklahoma Areawide Service Information System and other parent and professional organized efforts, e.g., PRO-OKLAHOMA (Parents' Rights Organization) and Positive Reflections, Coordinate for Kids (organizations for parent-professional support and community collaboration to facilitate joint program development and improved services).

The Department of Health in collaboration with the Department of Education has been instrumental in the development of early identification and service follow up of young infants who are high risk or established handicapped. The intent of the Infant Transition Project at Oklahoma Children's Memorial Hospital is to provide *support* and interagency assistance to the parents and the schools through multi-agency collaboration to the extent that the at-risk and cumulative effects of established handicapped conditions are reduced. Currently, data collection of resource information is being computerized for parents and professionals through the Oklahoma Areawide Service Information System and will enable the state to meet the new resource directory requirements of P.L. 99-457. Resource information for cost effective identification and qualified evaluation will be included.

A SPRANS grant funded through MCH for community collaboration and community resource networking has assisted in networking community groups to advance the development of resources and awareness of procedures for child identification and program development needs.

The Oklahoma State Department of Health administers the at-risk tracking system to identify deaf children and provides the programs for the chronically ill. Risk factors which are of interest in the identification area are also overlapped in the registry for other conditions not currently mandated by state law. Maternal and Child Health programs for women, infants and children services in clinics and hospitals place health providers in close contact with at-risk and established handicapped children and generate many concerns for early identification intervention, prevention and public health follow up. Guidance centers are administered by the Health Department and provide identification and evaluation services as well as parent training and child development.

The Vocational Rehabilitation and Visual Services Unit of the Department of Human Services identifies persons who have a vocational handicap resulting from a physical or mental condition. The vocational rehabilitation counselors maintain contact with public agencies. Complete evaluation for identification of abilities and disabilities include medical, mental, educational, social, cultural, and vocational. In addition, viable assistance methodologies through technology and telecommunications are evaluated when appropriate.

Currently, Title XVI, Disabled Children's Program under the Supplemental Securities Income program provides medical, social, and rehabilitative services for children under seven years of age who have never attended public school. The program is administered by

Health Related Service Unit of the Department of Human Services. Local service workers make visits to the home of SSI-DC and link with other DHS units. The individual service plan is developed by local DHS social workers with participation from other agencies, professions and the parents or guardian. Services are purchased from hospitals who have Title XIX contract and other providers who possess Title XX contract with DHS.

Title V Crippled Children Programs are administered through the Medical Unit-Crippled Children Unit of DHS. Identification need referrals are processed through DHS from civic groups, local offices, service clubs are processed through DHS from civic groups, local offices, service clubs, and other interested individuals. Advisory committees for crippled children and the medial advisory committee for public assistance review the planning and program linkages. Services are delivered through local health or social service agencies.

The Child Development Title V Community Service Act Head Start programs are utilized in Oklahoma by two administrative groups. Oklahoma Association Community Action agencies, and Three Feathers Indian Associates and tribal groups. Observations and referrals are made to public schools and agencies for identification of handicapped children. Children *served jointly* on an IEP in Head Start programs *with* public school assistance for special needs are counted by the local public school in whose district the child resides. The public school cooperates but still retains the prime responsibility for identification and service development. Preschool Incentive Projects, local schools and Head Start programs are working closely not only to identify children with accurate diagnostic procedures in the assessment--intervention--continuum, but to utilize the modeling benefits in least restrictive environments to reduce language delays.

There are seven state-operated mental health facilities located in Oklahoma that assist with mental health identification and services. Three state hospitals located in Vinita for the eastern area, Fort Supply for the western area, and Norman for the central area of the state. The community-based services include: Jim Taliferro Center in Lawton, Carl Albert in McAlester, Central in Norman, and Northwestern at Fort Supply. In addition, there are 16 private non-profit community mental health centers with whom the State Department of Mental Health contracts. Phil Smalley Children's Center in Norman is an independent center which serves severely emotionally disturbed children 14 years and below. An adolescent ward for 27 persons has recently been added to Central State Hospital for persons in need age 15 to 17 years.

D. Activity to Be Carried Out During the Period of the Plan

The Oklahoma State Department of Education will coordinate activities with other agencies including the Commission on Children, Youth and Families to accomplish the following objectives and activities in FY 88-90.

Data and Evaluation Subcommittee Activities (Ongoing FY 88-90)

1. Design and recommend development of data base to count children needing identification and referral services.

2. Collect standards relating to training and service update for identification.

3. Design and recommend development of a system to measure quality of identification.

Family Subcommittee Activities (On-going FY 88-90)

1. Assist in organizing parents and agencies into coordinated identification, intervention and prevention teams.

2. Ensure parent education regarding services rights and responsibilities and how to obtain assistance.

3. Organize parent support, respite and transportation activities to assist parent participation in the continuum of identification, evaluation activities for program quality.

Funding Subcommittee Activities (FY 88-90)

1. Delineate state agency responsibilities for delivering and paying for service.

2. Coordinate needs for identification projects needed by communities, hospitals, clinics, schools, and others providing services.

3. Develop funding sources through multi-agency efforts for Oklahoma Areawide Service Information System to assist in network efforts and resource directory requirement needs.

4. Evaluate changes in Medicaid programs which can improve identification, referral and evaluation of at-risk and established handicapped.

5. Develop plans for follow up from local and regional hospitals.

Personnel Standards and Training Subcommittee

1. Develop curriculum for interagency training programs that would include agency policies, mandates, services, programs, and common terms that would assist valid identification and cost effective services.

Public Awareness Subcommittee (On-going FY 88-90)

1. Create and distribute public awareness materials such as speaker's bureau, film library, brochures, etc.

2. Locate information about early identification in key community locations and train volunteer contacts to facilitate programming.

3. Help distribute guidelines for service accessibility.

Screening and Assessment Subcommittee (FY 88-90)

1. Develop proposed statewide screening and guidelines for child find multi-agency collaboration.

2. Design a system of local, regional, and statewide evaluation services capable of providing timely comprehensive multi-disciplinary evaluation assessing the function of all childhood developmental delays or handicaps.

E. Methods used to determine which children are and are not receiving special education include:

   a. Comparisons of child count, census, surveys, and needs assessment information;

   b. Analysis of local education agency child count data:

   c. Parent satisfaction as exhibited by monitoring interview and absence of complaints.

F. Statewide Implementation

Local school districts' documentation of identification procedures are monitored and reviewed within the State Department of Education's EHA-B application procedures. Complaints are investigated prior to application approval and funds disbursement.

IV. INDIVIDUALIZED EDUCATION PROGRAM

A. Under Article 13, Section 223 of Oklahoma School Law, the State Board of Education is authorized to coordinate the function of all public and private agencies providing special services to handicapped children. The Policies and Procedures Manual for Special Education in Oklahoma is the primary guide by which the SDE ensures that all public and private agencies meet the following requirements:

1. Each public and private agency is responsible for maintaining records of the IEP process for each handicapped child.

2. a. Each public agency will develop and implement an IEP for each handicapped child eligible for special education services.

   b. Each public agency will review and revise each handicapped child's IEP at least annually.

   c. Each public agency will be responsible for initiating and conducting meetings to develop, review, and revise IEPs.

B. 1. When an LEA initiates placement, each eligible handicapped child must have an IEP developed by an IEP team prior to placement in a special program within the home district; another district, or in any other public or private agency, school facility, or institution.

2. When a child enrolled in a private school is declared eligible to receive special education and related services from a public agency, the *district-of-residence* is responsible for initiating and conducting IEP meetings with participation of a representative of the private school or facility. The *district-of-residence* or public agency will ensure opportunity for the private school or facility to participate.

3. In those instances where a parent or guardian is seeking a free, appropriate, public education from another agency or where unusual expenses will be incurred, an administrative representative of the home district should be provided an opportunity to participate in the IEP process.

4. If an appropriate program (as described in the IEP) is not immediately available locally, the LEA or public agency must locate and arrange for the delivery of necessary special education and related services as soon as possible but within 30 days after eligibility determination.

C. 1. Each IEP must be reviewed at least annually or more frequently if needed by a team consisting of the parents, administrative representative*, regular teacher, special education teacher, the child, where appropriate: and other individuals at the discretion of the parents or agency. Each public agency is responsible for initiating and conducting the IEP annual review and revision. IEPs may be reviewed more than once a year if the IEP team determines that a shorter interval is more appropriate to meet, review, and revise the IEP (i.e., at the end of the semester, every six weeks, etc.). In all instances, a current IEP will be in effect for each handicapped child at the beginning of each school year.

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* The administrative representative must be qualified to provide or supervise the provision of special education. This person could be either a teacher, counselor, principal, supervisor, or other administrator as long as the person serving in that capacity has the authority of the chief school officer and the local board of education to commit district resources and services. The resources and services agreed upon by the IEP team shall be provided and may not be vetoed at a higher administrative level.

2. When a child is transferred to a program that is in another district, agency, private school or facility, any meeting to review and revise the child's IEP may be conducted by either the district-of-residence or the other service provider. However, both districts or agencies should be represented on the review team.

> **NOTE**: The district-of-residence remains responsible for monitoring the program to see that appropriate educational services are provided.

D. For initial evaluation and three-year re-evaluation, the eligibility team must include a qualified examiner to interpret the test results for the team. Practically, it may be a team member who is knowledgeable of the evaluation procedures used and is familiar with the results. At the discretion of the parent or LEA, other individuals may be included in the IEP team.

E. Each public and private agency shall take steps to ensure that one or both of the parents of the handicapped child are present at each meeting which shall (1) include that notification be made early enough to ensure an opportunity to attend at a mutually agreed upon time and place and (2) indicate the purpose, time and location of the meeting and the team members who will be attending. In cases where neither parent can attend, alternative solutions to ensure participation could include individual or conference telephone calls, copies of letters, visits, etc. The procedure used to notify parents are left to the discretion of the agency, but the agency must keep a record of its efforts to contact parents.

F. Provision must be made for interpreters or other facilitators for parental participation and to ensure parent understanding in cases where a communication barrier exists on the part of the parent. Parents shall be provided a copy of the IEP upon request.

G. A team meeting may be conducted without a parent in attendance if the agency can document it has been unable (using reasonable efforts) to convince the parents that they should attend. However, the parent must have received proper notice and must give written permission to implement an initial IEP and placement.

H. In circumstances where the child's parents cannot be identified, cannot be located, or is a ward of the court, a trained surrogate parent will be appointed by the LEA to assure the child's education rights are met.

I. The IEP will include:

  i. A statement of the child's present levels of educational performance.

  ii. A statement of the annual goal(s) to be achieved based on the child's unique needs (strengths and weaknesses).

  iii. A statement of measurable short-term instructional objectives.

  iv. A description of specific special education and related services required to meet the child's unique needs.

  v. A list of positions or persons responsible for providing each of the services listed in the IEP.

vi. A statement of the frequency and amount of time allocated for each short term objective.

vii. Projected date for the initiation and anticipated duration of service.

viii. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, the degree to which each instructional objective is achieved.

ix. A description of the child's participation in physical education, adaptive physical education, or vocational services.

x. The date of the next IEP review meeting.

J. 1. Once an IEP has been developed, signed by all team members and implemented, significant changes in the amount of services listed cannot be made without a team meeting to review and approve suggested changes.

2. When a handicapped child is transferred to or otherwise placed in another district, agency or private school or facility, the parents and a district-of-residence representative must be involved in any IEP decision and agree to proposed changes prior to implementation.

3. The ultimate responsibility for compliance remains that of the LEA and SDE.

V. PROCEDURAL SAFEGUARDS

A. The following procedural safeguards ensure that the requirements of Chapter 34 C.F.R. §§ 300.500-300.514 are implemented by *each* agency.

B. Procedures for the provision of an independent educational evaluation include:

1. Each LEA shall provide to parents on request, information about where an independent evaluation may be obtained.

2. Parents have the right to an independent evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency (300.503.(b)).

3. Hearing rights for the agency to demonstrate the appropriateness of its evaluation (300.503(b)).

4. An independent evaluation obtained at private expense must be considered by the LEA with respect to the provision of a free, appropriate, public education. This evaluation may also be presented as evidence at a due process hearing.

5. An independent evaluation must be provided at public expense if requested by a hearing officer in the course of a Due Process Hearing.

6. Independent evaluations must meet the same criteria used by the LEA when it initiates an evaluation.

C. Written notice must be given a reasonable time before:

1. A public agency proposes to initiate or change the identification, evaluation, or educational placement of a child or provision of a free, appropriate, public education to the child.

2. An LEA refuses to initiate or change the identification, evaluation, or educational placement of the child or the free, appropriate, public education of the child.

D. Prior written parental authorization must provide:

1. A description of action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take action, and a description of options the agency considered and reasons for rejection of these options.

2. A description of each evaluation procedure, test, record, or report on which the action is based.

3. A full explanation of all procedural safeguards.

4. A description of any other factors relevant to the action

5. A notice written in a language understandable to the general public.

6. A notice provided in parents' native language or other mode of communication unless clearly not feasible to do so.

7. If the language or other mode of communication is not written, the LEA takes steps to ensure that:
    a. Translation of the notice to the native language or mode of communication is available.
    b. The parent understands the notice and there is written evidence that the requirements of this section have been met.

E. Written parental consent must be obtained before:

1. Conducting an individual evaluation.
2. Initial placement into a program is made.
3. Except for each individual evaluation and the initial placement, parental consent is not required as a condition of any benefit to the parent or child.

F. If parents refuse to consent to an evaluation.

1. The LEA should attempt to seek resolution through individual conferences. If the parents still refuse to allow the proposed evaluation, the LEA should request a due process hearing.
2. If the hearing officer upholds the LEA in a due process hearing, the LEA may act without consent.

G. The parents of a handicapped child shall be afforded an opportunity to inspect and review all education records regarding:

1. Identification, evaluation, and educational placement,
2. The right to a free and appropriate public education.

H. The procedures implemented for impartial due process hearing ensure:

1. Parents or a public educational agency may initiate a hearing. Issues referenced by Section 504 of the 1973 Rehabilitation Act will be addressed through existing EHA-B Due Process Procedures.
2. The hearing must be conducted by the SDE or the public agency responsible for the education of the child as determined under a written policy of the state educational agency and state law.
3. The LEA shall inform the parent of any free or low-cost legal services or other relevant services if the parent or LEA initiates a hearing.
4. The hearing officer is not:
    a. Employed by an agency involved with the care or education of the child. An otherwise qualified person is not a state employee solely because he is paid as a hearing officer.

   b. The hearing officer has no personal or professional involvement with either party of a hearing that may conflict with objectivity.

   c. A school board official of the LEA.

5. The SDE keeps a list of hearing officers and their qualifications that is provided each local education agency. Enclosed is a list of hearing officers and individuals who are currently being trained as hearing officers. (See p. 25, 26, 27, and 28.)

6. The SDE shall make rules governing the methods to appropriately train individuals to serve as hearing officers utilizing various forms of inservice and actual on the job training.

7. Any party to a due process hearing has the right to:

   a. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children.

   b. Present evidence and confront, cross-examine and compel the attendance of witnesses.

   c. Prohibit evidence not disclosed five days before the hearing.

   d. Obtain an electronic or written verbatim record of the due process hearing.

   e. Obtain written findings of fact and decisions. The SDE will send those findings to the state advisory panel.

8. Parents have the right to have the child present and to open the due process hearing to the public.

9. Hearings conducted by a public agency can be appealed to the SDE. Assignment of an appeal review officer will be made by the SDE.

10. Either party has the opportunity to appeal a hearing decision.

11. The officer conducting the review:

   a. Examines the entire hearing record.

   b. Ensures the hearing was consistent with due process procedures.

   c. Seeks additional evidence if needed.

   d. Gives the parties involved an opportunity for written or oral arguments.

   e. Makes an independent decision on completing the review.

   f. Gives the parties a written copy of the findings and the decision.

   g. The decision made by the reviewing official is final unless a party brings civil action under § 300.512.

12. Any party who does not have the right to appeal or is aggrieved by the decision of the review officer can bring civil action.

13. The SDE ensures that:

    a. A final decision is reached not later than 45 days after the request for a hearing is received (300.512 (a) (1)) and a copy of the decision is mailed to the parties. (300.512 (a) (2)). (Exception: The hearing officer may grant an extension.)

    b. A final decision is made on a request for a review 30 days after receipt of a request. (Exception: The Appeal officer may grant an extension.)

    c. Hearings and reviews involving oral arguments are conducted at a time and place reasonably convenient to the parents and the child.

    d. *The burden of proof*, (i) as to the appropriateness of any proposed education plan, (ii) as to why a more normalized education plan could not adequately and appropriately served the child's educational needs and, (iii) as to the adequacy and appropriateness of any identification, test or evaluation procedures, *will* be upon the local agency.

14. Policy regarding pendency during proceedings provides:

    a. Unless otherwise agreed upon by the parents and the SDE or LEA, a child must remain in the present placement until completion of proceedings (300.513 (a)).

    b. If the complaint involves an application for the initial admission to public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

15. State policy ensures the rights of a child are protected when no parents can be identified or discovered or the child is a ward of the court.

16. Policy for surrogate parents includes:

    a. Any person whose work involves education or treatment of children, who knows of a child possibly needing special education services and knows that the parents or guardians are not known, unavailable, or that the child is a ward of the court, will notify the child's LEA for assignment of a surrogate parent.

    b. Upon determination of need, the LEA shall appoint surrogate parents for children. Training of surrogate parents may be conducted by LEAs and public agencies involved in the education of children. Written verification of completion of training shall be documented by the LEA prior to appointment of a surrogate parent to represent a handicapped child. A record of persons so appointed shall be maintained by the LEA.

    c. Criteria for selection of surrogates which ensures the surrogate parent:

        (1) Has no interest that conflicts with the interests of the child he or she represents.

        (2) Has knowledge and skills that ensure adequate representation of the child.

d. A person assigned as a surrogate may not be an employee of a public agency which is involved in the education or care of the child.

e. The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child as well as the provision of a free, appropriate, public education for the child.

HEARING OFFICERS

	Work	Home
Michael Barlow	7830 NW 12th Oklahoma City, OK 73127	7830 NW 12th Oklahoma City, OK 73127 (405) 495-1911
Judy Brawner	Univ. of Science & Arts Box 82617 Chickasha, OK 73018 (405) 236-0027 ext 273	2600 Scott Drive Norman, OK 73069 (405) 364-41148 **ALL MAIL TO HOME**
Sally Flagler	College of Education OU--820 Van Vleet Oval Norman, OK 73019 (405) 325-4842 or 1534	607 Iverness Court Norman, OK 73069 (405) 364-5808
Deborah A. Hahn	State & Federal Programs Stillwater Public Schools 314 S. Lewis Stillwater, OK 74074 (405) 372-4577	2924 Crescent Drive Stillwater, OK 74074
Louis V. Lepak, Jr.	Genesis Project Route 2, Box 237W Jones, OK 73049 (405) 396-2942 or 2951	3237 N. Virginia Oklahoma City, OK 73118 (405) 528-3621
Teresa Loudermilk	Dover High School Box 195 Dover, OK 73734 (405) 828-4204	Box 322 Hennessey, OK 73742 (405) 853-2969
June Maddox	O'Donoghue Rehab. Institute Box 263037 Oklahoma City, OK 73126	7116 Comanche Oklahoma City, OK 73132 (405) 721-5271
Colleen Nixon	Dir. Special/Gifted Eudcation Enid Public Schools Administration Building Enid, OK 73701 (405) 234-5270	2801 W. Chestnut Enid, OK 73701
Howard Nixon	Sch. Counselor/Dir. Fed. Programs Pioneer-Pleasant Vale School Route 1 Waukomis, OK 73773 (405) 758-3282	2801 W. Chestnut Enid, OK 73701
Tonya Pember	Moore Public Schools 400 N. Chestnut Moore, OK 73160 (405) 794-0755	2705 SW 112th Oklahoma City, OK 73170 (405) 692-0313 **ALL MAIL TO HOME**

Joe L. Prickett	Vocational Rehab. Counselor Clinton, OK 73601	Route 2, Box 159 Dill City, OK 73641 (405) 452-4838
Rosemary Wayte	Keys Speech and Hearing Center Box 26901 Oklahoma City, OK 73190 (405) 271-4214	1422 Glenbrook Terrace Oklahoma City, OK 73116 (405) 840-1368

HEARING OFFICER TRAINEES

	Work	Home
Naomi Brooks	Oklahoma County RESC (405) 947-6165	4204 Coletta Drive Oklahoma City, OK 73120
Joyce Foutch	Northeastern University Tahlequah, OK 74464 (918) 456-5511 ext 3003	1203 S. Maple Tahlequah, OK 74464 (918) 456-9513
Dr. Ben Harper	East Central University Ada, OK 74820 (405) 332-800 ext 381	518 Webb Ada, OK 74820 (405) 332-4875
Lorna Lambert	CETED 330 W. Gray, Suite 300 Norman, OK 73070 (405) 366-0123	
Susan Morris	Youth & Family Resource Ctr., Inc. 326 W. 11th Shawnee, OK 74801 (405) 275-3340	4005 N. Pottenger Shawnee, OK 74801
Judy Nichols		2141 Graham Oklahoma City, OK 73127 (405) 789-6108
Steven Ramsey	Yukon Guidance Clinic 1025 Vandament Yukon, OK 73099	(405) 354-4872
Dr. Sandy Tedder	CETED 330 W. Gray, Suite 300 Norman, OK 73070 (405) 366-0123	216 Pine Tree Lane Norman, OK 73072
Gloria White		2012 Cedar Ridge Road Edmond, OK 73034 (405) 348-3194

APPEALS OFFICERS

	Work	Home
Charles Robert (Bob) Davis	Oklahoma State University 305 N. Murray Hall (405) 624-6036	28 Ridgewood Stillwater, OK 74074 (405) 624-9050
Glenn Haring	Asst. Director of Special Services Norman Public Schools 131 S. Flood Norman, OK 73070 (405) 360-9200	1505 N. Miller Oklahoma City, OK 73112 (405) 947-0277
Larry Hawkins	USAO Box 82656 Chickasha, OK 73018 (800) 236-0027	Box 3256 Chickasha, OK 73018
Glenn Kastner	Director of Special Services Putnam, City Public Schools 5700 NW 40th Oklahoma City, OK 73122	Route 1, Box 108L Edmond, OK 73034

VI. LEAST RESTRICTIVE ENVIRONMENT

A. Contained in the following section are SDE policies and procedures each public agency must follow to ensure:

That to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped; and

That special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

B. As required by SDE guidelines for local district plans, interagency agreements, monitoring procedures, and the SDE *Policies and Procedures Manual for Special Education Addendum #1*Section IV, (Part 5), (including SDE forms for LEA documentation) each LEA, as well as all public agencies providing special services to handicapped children, will ensure the availability of a continuum of placement alternatives as shown below:

1. Regular classroom with special consultation to the regular teacher provided by a special education teacher;
2. Regular classroom supplemented by the services of an itinerant teacher;
3. Regular classroom supplemented by the services of a resource room teacher
4. Part-time special education (i.e., services for students who require instruction in special classes, but participate with nonhandicapped student in all activities appropriate for the child);
5. Full-time special education;
6. Special day schools;
7. Homebased instruction;
8. Residential schools; or
9. Hospital school programs.

Additionally, (1) placement recommendations will include opportunity for participation in nonacademic and extra-curricular services and activities including regular or adaptive physical education. (2) All handicapped children will be educated with nonhandicapped children to the extent they can benefit from such placement. (3) All handicapped children will be served in facilities comparable to those used for the nonhandicapped.

C. For the continuum of placement alternatives listed above to be a reality, a high degree of communication between public schools and private educational institutions is necessary if all eligible handicapped children are to have access to appropriate programs in settings specified by the IEP. Under Oklahoma statute, public school districts are the only agencies authorized to receive funds from the State Board of Education for use in serving handicapped children. (Addendum #1, Section II) To allow each district sufficient latitude for full incorporation of the LRE concept into local policy and procedure, five methods are available to provide special services to handicapped children attending the public school.

An LEA may fulfill these responsibilities by:

1. The district providing special education for such children;

2. The district joining in a cooperative program with another district or districts to prove special education for such children;

3. The district joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard of hearing or for children who are blind or partially blind, or

4. Transferring certified handicapped exceptional children to other school districts which accept them and provide special education for such children, with the district in which the child resides paying tuition.

A fifth method contains two procedures a district may use to provide special services through arrangement with private institutions.

1. The first instance would involve eligible handicapped children attending a private school. Such children may gain access to a free, appropriate, public education by enrolling in the public school-of-residence. Special services would be provided in facilities located on a public school campus. Transportation to and from the public facility must be arranged by the parents and/or private school.

2. A second instance would involve an IEP/Placement team recommending the placement of an eligible handicapped child in a private facility* where special services would be delivered through a contract between the public school and private institution.

D. The SDE will continue to support the following activities that in past years have proved an effective assurance that teachers, administrators, parents of handicapped children, related service personnel and other special service providers (public and private) are:

1. Fully informed of their responsibilities and

2. Provided LRE technical assistance and training.

Information Dissemination Strategies

1. Each year, copies of the SDE *Policies and Procedures Manual for Special Education in Oklahoma* are distributed through mass mailing, conference presentations, inservice training, workshops, and interagency meetings.

2. Throughout the year presentations are made by SDE special education staff at professional conferences and parent meetings across the state.

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*Private schools: A local board of education may contract with a state board-accredited, nonprofit, nonsectarian, private school to provide specified special education services and instruction to eligible "exceptional children." (Addendum #1 Section III, Part D)

3. During 1986, the South Atlantic Regional Resource Center developed materials for use by SEAs in implementing policies and procedures concerning LRE (e.g., "Determining Placement in the Least Restrictive Environment). These materials will serve as a source of information to be disseminated by SDE staff on LRE. SDE staff will attend SARRC-sponsored training sessions on LRE to enhance its efforts to provide technical assistance and inservice to schools, parents, agencies, etc. on LRE.

Technical Assistance and Training

1. The district plans of all local education agencies will be reviewed by the SDE to ensure district compliance with the LRE provisions of P.L. 94-142. Written documentation required by SDE forms to ensure that placement decisions are made in accordance with these provisions include: a listing of the supplemental aids and services used, or proposed, in the regular classroom for a child who is handicapped or suspected to be handicapped; an explanation as to why such aids and services are not used or proposed for a handicapped, or suspected to be handicapped child; justification as to why a child requires being removed from the regular classroom, and an explanation of adaptations in the regular classroom which are/are not required for a given child in his/her IEP. The SDE will provide extensive training workshops and inservice concerning this required documentation, as well as responding to requests for technical assistance.

E. To ensure that educational placement is individually determined and that appropriate, special education and necessary related services are provided, an individual, multi-sourced, diagnostic evaluation by a qualified examiner will assist in determining the presence of a handicapping condition that requires a modification of the regular education program.

Upon receipt of individual diagnostic data, an appropriately constituted team will meet to consider (1) the identified strengths and weaknesses of the child; (2) the nature and severity of the handicapping condition, if any, and (3) the child's eligibility for special education in accordance with SDE categorical criteria.

Next, an IEP is developed for each child determined to have an educationally handicapping condition. In selecting the setting in which services are to be delivered for a given child, the IEP team will consider the range of alternative placements to implement the IEP at a site as close as possible to the child's home in the school in which the child would normally be educated if he/she were not handicapped. Placement recommendation and IEPs will be reviewed annually. Every three years or as necessary, a complete individual reevaluation and eligibility review occurs. Throughout the IEP process, the paramount consideration is one of insuring that special education and related services are delivered in a manner that would reduce to a minimum the potential for harmful effect on the child for the quality of service he/she receives.

VII. PROTECTION IN EVALUATION PROCEDURES

A. Under Article XIII, Section 223 of Oklahoma School Law, the State Board of Education is authorized to . . . "stimulate the efforts of all public and private efforts to . . . evaluate or train handicapped children and to coordinate such efforts with the work and function of [all] governmental agencies." (Addendum #1)

B. The State Department of Education *Policies and Procedures Manual for Special Education in Oklahoma* (Addendum #1, p. 1) notes the authority of the State Board of Education to develop and submit a state plan/application on behalf of the state as a whole. This plan applies to all agencies providing special services to handicapped children and requires the adoption of policies and procedures consistent with the plan.

C. To ensure consistency of evaluation procedures among all related service providers, a delineation of specific compliance requirements is included in the *Policies and Procedures Manual*, (Section III K) which is disseminated to all agencies. An additional method for insuring implementation of procedural safeguards in evaluation is through interagency agreements (Addendum #2) which stipulate adherence to all State Department of Education policies and procedures for the provision of special services to handicapped children.

D. Section III K(d) prohibits the individual assessment of a child who is unable to respond to the tasks or behavior required by a test or procedure because of linguistic or cultural differences unless culturally and linguistically appropriate measures are selected and administered by qualified persons. When appropriate measures and/or qualified persons are not available, diagnostic-prescriptive education programs will be used until the child has acquired sufficient familiarity with the language and culture of the school for more formal assessment.

E. Examiners responsible for interpreting assessment information and making educational decisions will be qualified to administer various measures and to take cultural differences into account in interpreting the a meaning of sets of data from the home, school, and the community.

F. Prior to any action regarding the initial placement of a handicapped child in a special education program, a full and individual evaluation of the child's educational needs must be conducted. All tests and other evaluation materials are administered by qualified personnel who serve on the multidisciplinary team. A range of diagnostic instruments or procedures, each of which is designed to confirm the nature and degree of areas of suspected disability is interpreted by qualified personnel. The evaluation is made by the multidisciplinary team. No single procedure will be used as a sole criteria for determining placement.

G. When a child whose primary home language is other than English, the following criteria must be met:

1. The examiner must be fluent in both English and the primary language of the home; or

2. There is available to the examiner an interpreter fluent in the primary language of home; and

3. The tests used must contain sufficient nonverbal material to enable a valid, reliable decision to be made as to the individual's probable level of educational functioning.

H. All evaluation materials and procedures must meet validity and reliability standards. Administration instructions will be followed and all material and procedures will be administered by qualified persons under conditions which are conducive to the best performance of the child. (Addendum #1 p. 26 and 27 Qualified Examiners) Materials will be selected and tailored to assess specific areas of educational needs. The results of assessment shall be expressed in terms of both the child's strengths and weaknesses. The assessment will be comprehensive, using a full range of available instrumentation and observations including diagnostic tests and other appropriate formal and informal measurements. Whenever intelligence tests are administered, the I.Q. score, per se, shall not be used in making references about the child's level of intelligence or learning potential. When practical, the full test (including protocols, content, subtests, etc.) should be interpreted by the qualified examiner who administered the test.

I. When a child with impaired sensory, manual or speaking skills is referred for individual assessment, diagnostic materials will be selected and administered that will generate accurate aptitude and achievement data which reflect abilities rather than emphasizing disabilities. The intent or effect of the evaluation should be the development of an educational plan for the child based on a description of his/her strengths and weaknesses. Clinicians and other personnel administering diagnostic measures will: (1) also be qualified to interpret the meaning of multiple sets of assessment data from both the school and home, and (2) assist the Eligibility/IEP team in making placement decisions.

J. In order to provide a comprehensive view of the child from the perspective of the school, home, and community, the following information must be obtained, considered and documented in the placement decision.

1. School information. Information from the school will include, but not be limited to:

   a. Comprehensive assessment of the child's educational functioning in terms of strengths and weaknesses. This will include a full range of available instrumentation, observations, diagnostic tests (aptitude and achievement), teacher/recommendations, social/cultural information, and other appropriate formal and informal measurements.

   b. Assessment in all areas related to the suspected disability, including where appropriate, health, motor sensory development, hearing, vision, social and emotional status, general intelligence, academic performance, and communication status.

   c. Assessment of the child's adaptive behavior in the school setting based on observations and records, and where appropriate, the use of adaptive behavior scales.

2. Home information. Information from the home will include:

   a. The child's adaptive behavior in the home, community, and neighborhood, as perceived by his parents, guardians, or principal caretakers.

   b. The sociocultural background of the family.

   c. The child's health and developmental history.

K. Responsibility for the placement of handicapped children lies with local Eligibility/IEP teams. Each team will be composed of persons who directly or indirectly are involved in or influence a child's educational success. Members may include the parents and their representative or advocate, various professional persons in the school, including the regular teacher, special teacher, psychologist, administrator, speech-language pathologist, student counselor, or nurse. In addition it might also be appropriate to include community-related personnel such as the social worker, minister, or family physician. The team will: (1) review the procedures, instruments, and observations used to determine the child's level(s) of functioning and behavior, (2) evaluate the appropriateness of such procedures, instruments, and observations with regard to each child's particular socioeconomic level and ethnic background, (4) establish eligibility, (3) evaluate all pertinent information about the child, and (5) make recommendations concerning the most advantageous placement possible.

L. Consideration of the continuum of possible alternative settings shown below is inherent in team deliberations regarding the formulation of placement recommendations:

1. Regular classroom with special consultation to the regular teacher by a certified special education teacher;
2. Regular classroom supplemented by the services of an itinerant teacher;
3. Regular classroom supplemented by the services of a resource room teacher;
4. Part-time special education (i.e., services for students who spend most of their time in special classes, but participate with nonhandicapped students in some activities);
5. Full-time special education (i.e., self-contained special classes);
6. Special day schools;
7. Home-based instruction;
8. Residential schools; or
9. Hospital school programs.

M. In accordance with Section III M (IEP p. 29 of the *Special Education Policies and Procedures Manual*) a child who has been individually evaluated and found to be handicapped and eligible for special education will not be placed prior to the development of an IEP. Section J (p. 23) outlines the IEP process (procedures, timelines, forms, roles, and responsibilities) which are consistent with the requirements of 300.340-300.349 and 300.533 (6).

N. At least annually,*, all public agencies will review and revise each IEP to ensure special programs and related services are tailored to meet the changing educational needs of each child (p. 31). Annual review teams will decide whether the child should:

______Return to the regular classroom full-time
______Decrease amount of time in special education programming
______Continue same type of service delivery
______Increase amount of time in special education programming
______Explore other alternative (Describe)
(See Addendum #1: page 23, Step IV and Step III of Form #10; Addendum #1)

O. Within three years* of the date of the current individual evaluation of each child, each public agency will reevaluate all handicapped children receiving special services to obtain current performance and diagnostic data for use in determining eligibility, writing IEPs and developing placement recommendations.

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* Or more frequently if needed.

VIII. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

Historical Perspective:

Sections 300.380 – 387 of the EHA-B regulation address the issue of qualitative improvement in special education services by requiring each state develop and implement an on-going Comprehensive System of Personnel Development (CSPD).

During the 77-80 period, the State Department of Education (SDE) established and administered Comprehensive Oklahoma Manpower Planning for Exceptional Learners (COMPEL). By 1979, COMPEL, as a first-stage personnel preparation program had reached an evolutionary point requiring the development of a second-generation manpower planning effort emphasizing broad-based, multi-level, participatory planning with an emphasis on in-service, pre-service and information dissemination. A full-time staff position was created within the Special Education Section of the SDE to coordinate all activity falling within the broad area of personnel preparation.

In 1979, $200,000 in EHA-B discretionary funds was made available to the 20 regional education service centers to: (1) assist in the provision of local, county and regional level in-service and (2) begin the identification of human and material training resources. In-service and projected personnel needs were identified by local service providers and communicated to regional education service center coordinators who developed Regional training plans that addressed prioritized local, county and regional training needs Major topics and needs were addressed through in-service sessions conducted across a state by the State Department of Education personnel.

In 1980, the first of two major CSPD efforts were begun by the SDE:

(1) the development of a state-wide corps of formally trained in-service consultants and

(2) the provision of a body of readily accessible training modules, materials and programs.

To determine the extent and variety of existing in-state training capabilities, the SDE collected basic data on qualified consultants. This summary data was available upon request to public and private staff development personnel across the state.

Next, a series of "Training for Trainers" workshops were provided by the SDE and the Midwest Regional Resource Center (MRRC) during 1980 to ensure that each RESC, and Institutions of Higher Education (IHE) would have staff formally prepared as "trainers" to function as consultants to local districts and other special service providers. Personnel from local schools throughout the state also participated in the training sessions. Over 200 trainees completed the two-day courses.

To complete their preparation, consultant trainees were provided a follow-up session on "Training Resource Products" to familiarize each participant with 30 special education in-service modules selected by the SDE and MRRC as representative of "the state of the art." Twenty sets of these modules were later purchased with EHA-B discretionary funds and placed in the media libraries of the 20 RESCs. By the end of 1980, a year of emphasis on identifying and expanding the potential of human and material training resources had produced a degree of "consultant availability" for special service providers that set the stage for the next thrust of CSPD in Oklahoma...the eventual institutionalization of CSPD at the district level.

Increased CSPD involvement by local districts per the FY-80 Annual State Plan was accomplished by requiring each LEA to establish and maintain a local CSPD committee charged with the responsibility of meeting the requirements of 300.380 (a), (b) and (c). Financial assistance was made available by the State Department of Education through EHA-B discretionary funds on a child-count basis to districts who, after conducting the annual needs assessment, met with the RESC coordinators and cooperatively developed and submitted to the State Department of Education an approveable Regional CSPD Training Plan. Committees monitored in-service, maintained records and submitted End-of-Year Performance Reports to the State Department of Education for review and comment by the EHA-B State Advisory Panel.

During FY82, a greater familiarity with respective roles and responsibilities produced a refined interface of LEA, RESC and IHE staff involved in personnel preparation programs.

In FY83, the RESC role shifted from one of direct supervision and coordination of regional CSPD activities to one of technical assistance. This allowed greater flexibility for planning at the local level. At this point in time, district CSPD committees (with continued SDE guidance/funds and RESC/IHE technical assistance) were fully prepared and authorized to assume total responsibility for local personnel preparation activities. Multi-county Regional CSPD Training Plans were now replaced by local plans submitted to the SDE as part of each district's Flow-Through Application. Intermediate staff development typically provided throughout the year by the 20 RESCs and SDE sponsored workshops and state-wide conferences ensured that personnel of all public and private special service agencies would: (1) have opportunity to participate in an annual inservice needs assessment, (2) be provided training activities based on prioritized needs, (3) evaluate training effectiveness and (4) be involved in the annual review and updating of the CSPD system.

A. The Comprehensive System of Personnel Development) for Oklahoma for FY 88-90 includes:

   1. The provision of inservice training* to general and special education instructional, related services, support personnel and parents in areas as needed by a specific group;

   2. Procedures to ensure that all personnel necessary to carry out the purposes of the Act are qualified** and that sufficient activities are scheduled; and

   3. Procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant educational information and for adopting, where appropriate, promising educational practices and materials.

B. Input and Implementation

   1. The primary source of input for the development, annual review and updating of the CSPD is the State EHA-B Advisory Panel. The EHA-B Advisory Panel is appointed by the State Board of Education who, in turn, selects a task force hereafter referred to as the CSPD Advisory Committee. Membership of both the panel and the committee is

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* Inservice training: any training other than that received in a full-time program leading to a degree.

** Qualified personnel are assured by Oklahoma State Board of Education regulations which require personnel be certified or licensed before programs are approved for accreditation and state funding. All local public education programs are monitored by SDE Accreditation personnel to assure that only certified or licensed personnel of contracted agencies are the recipients of public funds.

representative of public and private agencies, organizations, and IHEs involved in the delivery of special services to handicapped children. A minimum of four meetings per year of the CSPD Advisory Committee provide each member an opportunity for direct input on the development, review, and annual updating of the CSPD. This information is then reviewed by the EHA-B Advisory Panel which meets quarterly. Procedures allow for panel review of CSPD End-of-Year Performance Reports, the P.L. 98-199 Data Report, and data from SDE on-site reviews of LEA special service programs.

2. Throughout the period of 1977-82, the role of the SDE encompassed system design implementation, monitoring, review and up-dating. (Page 41) By FY82, LEAs had acquired adequate capability to assume a major responsibility for local personnel preparation activity. The SDE continues to provide overall direction and technical assistance through statewide inservice and preservice activities.

3. The SDE also continues to provide technical assistance and resource information dissemination services to LEAs and other special service providers through the use of special education staff and RESCs.. New training materials are continually reviewed for possible inclusion in the Inservice Training Materials Libraries. Staff are available as inservice consultants for a variety of topics (screening, diagnosis, appraisal, instruction techniques, materials selection, the IEP process, procedural safeguards, program evaluation, parental involvement and training in designing inservice programs).

4. LEAs are responsible for: (1) identifying and prioritizing training, retraining and projected personnel needs through the annual needs assessment (Add. #6 p. 27) (2), developing an annual CSPD training plan (p. 41), (3) insuring the provision of inservice based on identified needs, (4) monitoring training activities, (5) developing and implementing procedures to acquire and disseminate significant educational information, and (6) annually reviewing and up-dating local CSPD policy and procedures.

5. The primary function of IHEs is the timely preparation of the required number and type of special and general educational personnel needed by LEAs and other service agencies and organizations to ensure the continuance of full-service programs and services for handicapped children. A second function of IHEs is to provide inservice designed to improve skills levels and retraining opportunities to develop new skills for personnel assuming new roles/responsibilities. A third function is the development of instructional techniques/materials, and dissemination to both preservice and inservice trainees.

6. IHEs, LEAs and other agencies desiring to implement an experimental or innovative personnel development program must meet the following criteria in order to qualify for funds:

   a. Title
   b. Purpose
   c. Specific need addressed on statewide assessment needs
   d. Indicate how activity meets this need
   e. Number and type of personnel to be trained
   f. Cost of project.

C. Each local CSPD committee annually conducts a comprehensive assessment to identify and prioritize:

1. Inservice needs (Addendum #6, p. 27-33)

   a. Training
   b. Retraining

2. Groups requiring training and level of training needed (sample worksheet, p. 42)

3. Content areas

4. Projected personnel needs/qualified personnel available (P.L. 98-199 Data Report)

Summarized priority needs are determined and translated into specific inservice workshops, seminars, professional conferences or related activities. Planning includes the identification of:

1. Scope
2. Content/Nature
3. Participate Objectives
4. Participants
5. Incentives*
6. Consultant Sources
7. Time Frame
8. Funding Source
9. Retraining
10. Evaluation**

The District CSPD Training Plan is submitted to the SDE as a sub-component of each LEA Flow Through Application. Discretionary funds for CSPD are awarded based on receipt of an approvable application, supportive documentation (pages 11 and 12 in the Flow Through Application) and State Board of Education approval.

CSPD funding levels for 88-90 are projected at $3.00 per counted child. This amount is consistent with state monies available to implement state mandated staff development.

The involvement of local staff is assured through local CSPD committees. Innovative practices judged effective by individual CSPD committees are utilized where appropriate.

D. Given the structure and interrelationship of educational systems in Oklahoma, preservice planning is accomplished by the State Board of Regents for Higher Education. Preservice personnel needs data provided the SDE by LEAs through P.L. 98-199 Data Report are summarized and made available to IHEs, the Teacher Education and Accreditation Sections of the SDE, and other consumers.

E. Dissemination and Adoption

1. Strategies from the following list are implemented, where appropriate, by the SDE, CSPD coordinator, other special education coordinators, RESC and LEA staff to acquire, review, and disseminate significant educational information derived from educational research, demonstration, and other projects:

   Purpose: To make special service personnel aware of current significant information and "best practices."

* Incentives could include release time, payment for participation, option for academic credit, salary step credit, certification renewal, or updating professional skills.

** An evaluation will be completed following each inservice activity to determine effectiveness. (A sample form is found on 43.)

Information Acquisition (sources):

- State, regional or national clearinghouses
- Instructional materials centers
- Regional resource centers
- State, regional or national dissemination networks

2. Information Review:

    - Use of results of validation by other agencies or organizations
    - Development or adaptation of criteria and procedures for review
    - Establishment of review teams or use of existing review panels

3. Dissemination to identified populations:*

    - State, local, regional or national dissemination projects
    - Conferences and meetings
    - Mailings (newsletters, bulletins, etc.)
    - Regional networks
    - Inservice training to prepare personnel for adoption of effective innovative practices
    - Use of instructional material/media for personnel development and instructional programming.

F. Beginning in 1979, District Plans were required to contain a procedure whereby local CSPD plans may include the adoption of promising educational practices and materials proven effective through research and demonstration. State-level adoption efforts are accomplished through the IV-C Statewide Facilitator's office.

G. Oklahoma's procedure for the reassessment of educational practices is accomplished through on-site district monitoring by SDE personnel.

H. Procedures for the identification of human and material resources at the local, intermediate and state levels were implemented in FY80. (See discussion in Historical Perspective Section on page 35-36). Training resource data is continually updated to provide a current listing for consultants involved in personnel preparation.

I. Listed below is a description of methods by which the SDE, RESCs and IHEs provide resource technical assistance to LEAs and other agencies and organizations to improve planning, management, organizational or program skills:

- Provision of consultant services relative to training needs assessment procedures, forms, prioritizing inservice planning/conducting/evaluating
- Site visits
- Information collection, analysis and dissemination
- Production of documents and publications
- Dissemination of documents and publications
- Conducting of conferences, workshops and meetings

* Dissemination target populations:

General educators
Special education instructional personnel
Administrators
Support personnel
Interested agencies and organizations
Professional organizations
Parent groups

- Clearinghouse services
- Other types of regional and local coordination

- Records of inservice and technical assistance, provided by the SDE, are maintained in the SDE Special Education Section

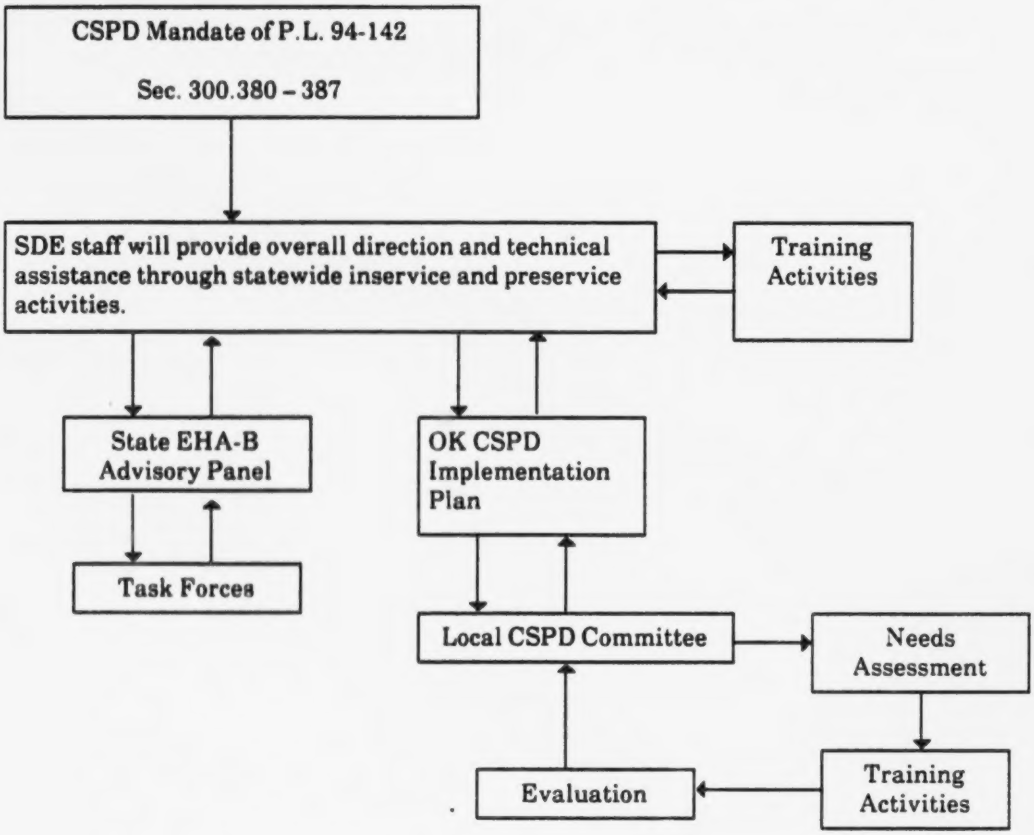
J. Personnel Standards

1. Personnel Standards are established by the State Board of Education, as advised by the Professional Standards Board (PSB) which was created by the Oklahoma Legislature. The PSB is charged with such responsibilities as reviewing approved programs of teacher education and of recommending new programs, reviewing current certificates and licensing requirements, and recommending standards for new certificates (Oklahoma Statute 70-6-125).

2. The State Board of Education, by regulation, assures that no board of education of any accredited school shall enter into any written contract with a teacher who does not hold a valid Oklahoma license/certificate. In addition, in order to obtain a standard certificate or license to teach in the public schools of Oklahoma, a person must satisfactorily complete a course of two or more semester hours in the education of the exceptional child (Oklahoma Statute 70-6-128).

3. To qualify as an instructor of exceptional children, a teacher must hold a valid special education teacher's certificate. Special education teachers of handicapped students must be certified in the disability area of the students they are assigned to teach. If a teacher is working with children in different categories, that teacher must have a certificate in each category.

4. Currently, Oklahoma has ten areas of license/certification for personnel providing special education or related services. These areas include: emotionally disturbed, hearing impaired, learning disabled, mentally handicapped, physically handicapped, visually impaired, speech-language pathology, occupational therapy, physical therapy, and school nurse.


CSPD Mandate of P.L. 94-142
Sec. 300.380 – 387
SDE staff will provide overall direction and technical assistance through statewide inservice and preservice activities.
Training Activities
State EHA-B Advisory Panel
OK CSPD Implementation Plan
Task Forces
Local CSPD Committee
Needs Assessment
Training Activities
Evaluation

GROUPS REQUIRING TRAINING

CATEGORIES **LEVELS OF TRAINING**

		Awareness	Knowledge	Skill Practice	Skill Application	TOTAL
A.	Regular Teachers					
	A.1 Elementary					
	A.2 Secondary					
B.	Special Teachers					
	B.1 Elementary					
	B.2 Secondary					
C.	Administrators					
	C.1 Regular					
	C.2 Special					
	C.3 Counselors					
D.	Physical Ed Instructors					
	D.1 Elementary					
	D.2 Secondary					
E.	Art/Music Teachers					
F.	High School Work-Study Coordinators					
G.	Voc-Rehab Counselors					
H.	School Board Members					
I.	Vo-Tech					
	I.1 Administrators					
	I.2 Instructional Staff					
	I.3 Counselors					
J.	Support Personnel					
	J.1 Transportation					
	J.2 Food Service					
	J.3 Clerical					
	J.4 Maintenance					
K.	Parents/Guardians					
L.	Related Services Personnel					
	L.1 School Psychologists					
	L.2 Psychometrists					
	L.3 Speech Pathologists					
	L.4 Audiologists					
	L.5 Psysical Therapists					
	L.6 Occupational Thereapists					
	L.7 School Nurses					
M.	Community Medical Personnel					
N.	Community Guidance Personnel					
O.	Head Start/Day Care Center Staff					
P.	Private School Adm/Teachers					
Q.	Other (describe)					
GRAND TOTAL						

EVALUATION OF INSERVICE WORKSHOP
SPECIAL EDUCATION SECTION
OKLAHOMA STATE DEPARTMENT OF EDUCATION

Title of Workshop ______________________________ **Date** ____________________

1.	Organization of the workshop was:	Excellent						Poor
		7	6	5	4	3	2	1
2.	Objectives of the workshop were:	Clearly Evident						Vague
		7	6	5	4	3	2	1
3.	Presentations and discussions were:	Very Practical						Too Theoretical
		7	6	5	4	3	2	1
4.	Methods used in the workshop were:	Excellent						Poor
		7	6	5	4	3	2	1
5.	Ideas and activities presented were:	Very interesting						Dull
		7	6	5	4	3	2	1
6.	Putting the ideas presented into practice will be:	Easy						Difficult
		7	6	5	4	3	2	1
7.	Work of the consultant was:	Excellent						Poor
		7	6	5	4	3	2	1
8.	The coverage was:	Very adequate						Inadequate
		7	6	5	4	3	2	1
9.	Overall, I consider this workshop:	Excellent						No Benefit
		7	6	5	4	3	2	1

What did you like best about this workshop?

What did you like least about this workshop?

What suggestions do you have for future workshops?

IX. PARTICIPATION OF PRIVATE SCHOOL CHILDREN

A. Each LEA will provide assurances to the SDE that special education and related services are available to meet the needs of eligible private school children in its jurisdiction.

B. To the extent consistent with their number and location in the state, LEAs will provide for participation of private school handicapped children in the programs assisted or carried out under this part by providing these children with special education and related services.

Responsibility of a State and a Grantee

C. The SDE will be responsible for ensuring the following:

1. Each LEA will provide students enrolled in private schools with genuine opportunities for equitable participation in appropriate special education by utilizing dual enrollment.
2. The LEA will provide the above opportunity to participate in a manner that is consistent with the number of eligible private school students and their needs.
3. The LEA will maintain continuing administrative direction and control over funds and property that benefit students enrolled in private schools.
4. The SDE will ensure that each LEA complies with these requirements.
5. If the SDE carries out a project directly, it assures it shall comply with the requirements in the same manner as an LEA.

D. Consultation with Representatives of Private School Students

1. The SDE ensures that an LEA applicant for a subgrant will consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the project covered by the application, including consideration of:
   a. Which children will receive benefits under the project:
   b. How the children's needs will be identified;
   c. What benefits will be provided;
   d. How the benefits will be provided: and
   e. How the project will be evaluated.
2. LEAs shall consult with appropriate representatives of students enrolled in private schools before the subgrantee makes any decision that affects the opportunities of those students to participate in the project.
3. The applicant or subgrantee LEA shall shall give the appropriate private school representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in Sections D (1 and 2) of this portion of the State Plan.

E. Needs, Number of Students, Type of Services

1. The SDE ensures that LEAs shall determine the following matters on a basis comparable to that used by the LEA in providing for participation of public school students:

    a. The needs of students enrolled in private schools;

    b. The number of those students who will participate in a project;

    c. The benefits that the LEA will provide under the program to those students.

Benefits for Private School Students

2. The SDE ensures that the program benefits that an LEA provides for students enrolled in private schools must be comparable in quality, scope, and opportunity for participation to the program benefits that the LEA provides for students enrolled in public schools.

3. If an LEA uses funds under a program for public school students in a particular attendance area, or grade or age level, the LEA shall ensure equitable opportunities for participation by students enrolled in private schools who:

    a. Have the same needs as public school students to be served;

    b. Are in that group, attendance area, or age or grade level.

4. If the needs of students enrolled in private schools are different from the needs of students enrolled in public schools, and LEA shall provide program benefits for the private school students that are different from the benefits the LEA provides for the public school students.

F. Level of Expenditure

1. The SDE ensures that subject to Item G of this section of the State Plan and LEA shall spend the same average amount of program funds on:

    a. A student enrolled in a private school who receives benefits under the program; and

    b. A student enrolled in public school who receives benefits under the programs.

2. The LEA shall spend a different average amount on program benefits for student enrolled in private schools if the average cost of meeting the needs of those students is different from the average cost of meeting the needs of students enrolled in public schools.

G. Information in an Application for a Subgrant

1. The SDE ensures that an applicant for a subgrant shall include the following information in its application:

    a. A description of how the applicant will meet the federal requirements for participation of students enrolled in private schools;

   b. The number of students enrolled in private schools who have been identified as eligible to benefit under the program;

   c. The number of students enrolled in private schools who will receive benefits under the program;

   d. The basis the applicant used to select the students;

   e. The manner and extent to which the applicant complied with the previous section on consultation;

   f. The places and times that the students will receive benefits under the program; and

   g. The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.

H. Separate Classes Prohibited

1. The SDE ensures that an LEA may not use program funds for classes that are organized separately on the basis of school enrollment or religion of the students if:

   a. The classes are at the same site;

   b. The classes include students enrolled in public schools and students enrolled in private schools.

I. Funds Not to Benefit a Private School

1. The SDE ensures that an LEA may not use program funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.

2. The LEA shall use program funds to meet specific needs of handicapped students enrolled in private schools, rather than;

   a. The needs of a private school; or

   b. The general needs of the students enrolled in a private school.

J. Use of Public School Personnel

1. The SDE ensures that where consistent with state and federal law an LEA may use program funds to make public personnel available in other than public facilities:

   a. To the extent necessary to provide equitable program benefits designed for handicapped students enrolled in a private school; and

   b. If those benefits are not normally provided by the private school.

K. Use of Private School Personnel

1. The SDE ensures that an LEA may use program funds to pay for the services of an employee of a private school if:

   a. The employee performs the services outside his or her regular hours of duty; and

   b. The employee performs the services under public supervision.

L. Equipment and Supplies

1. The SDE ensures that an LEA must keep title to and exercise continuing administrative control of all equipment and supplies that the subgrantee acquires with program funds.

2. The LEA may place equipment and supplies in a private school for the period of time needed for the project;

3. The LEA shall ensure that the equipment or supplies placed in a private school:

   a. Are used only for the purpose of the project; and

   b. Can be removed from the private school without remodeling the private school facilities.

4. The LEA shall remove equipment or supplies from a private school if:

   a. The equipment and supplies are no longer needed for the purposes of the project; or

   b. Removal is necessary to avoid use of the equipment or supplies for other than project purposes.

M. Construction

1. The SDE ensures that an LEA shall ensure that program funds are not used for the construction of private school facilities.

X. PLACEMENT IN PRIVATE SCHOOLS

A. SDE policies and procedures allow for the placement of eligible handicapped children in accordance with an Attorney General's opinion which stipulates that contracted arrangements would be authorized and legal under the laws of the State of Oklahoma for placement of exceptional children in State Board of Education *accredited, nonprofit, nonsectarian private schools* by a school district's governing board of education in order to meet the legal duty of the agency to provide such exceptional children with a necessary and appropriate public school education subject to applicable rules and regulations of the State Board of Education. The applicable regulation by the State Board of Education in this regard is that the school shall be accredited in accordance with the rules and regulations for accreditation of private, nonprofit, nonsectarian schools in Oklahoma prior to placement of exceptional children by IEP teams on behalf of the governing boards of agencies.

If handicapped children are placed in or referred to private schools or facilities by an agency, the SDE assures supervision of the agency placement. It shall be the responsibility of an agency choosing such placement to carry out the statutory requirements that exceptional children in a private school/facility placement will be provided free, appropriate special education and related services. The special and related educational services provided will be:

1. In conformance with an IEP,

2. At no expense to parents, and

3. In a school or facility that meets SDE standards.

B. If a handicapped child has available a free, appropriate, public education in the least restrictive environment provided in or through the agency, yet the parents choose to place the child in a private school or facility, the public agency is not required to pay for the child's education at the private school or facility.

C. Matters of disagreement between parents and agencies about the availability of appropriate services shall become a matter subject to due process in regard to financial responsibility and other aspects of P.L. 94-142 to which due process procedures apply.

D. The SDE assures that a child placed in a private school or facility by the agency shall have all the rights he or she would have if educated in a public school setting.

E. The SDE will make available to private schools and facilities through the public agency a copy of current state standards including, but not limited to, the *Policies Procedures Manual for Special Education in Oklahoma*, the *Administrator's Handbook* (blue book), and copies of compliance monitoring documents. SDE technical assistance will be available upon request or upon the identification of a noncompliance issue.

F. Private school personnel from State Board of Education accredited, nonprofit, nonsectarian schools in which a handicapped child is placed for special education services will be given the opportunity to participate in the revision of state standards by the SDE.

XI. RECOVERY OF FUNDS FOR MISCLASSIFIED CHILD

A. State Policy

1. The SDE will seek to recover any funds made available under Part B for services to any child determined to be erroneously classified as eligible to be counted.

B. Procedures for Recovery

1. Process

   a. If at any time during the project period it becomes questionable that payments have been made for misclassified students, an investigation will be conducted by SDE representatives.

   b. If school districts are not eligible for EHA-B monies, a claim will be filed by the SDE to recover the portion of money that the district received.

2. Monitoring to Determine Misclassification

   a. SDE monitoring teams will verify the comprehensive evaluation of handicapped children and their actual placement to ensure that the students are appropriately identified and placed in accordance with P.L. 94-142 and SDE standards. The qualification of examiners are also reviewed by the monitoring teams to ensure proper certification or licensure.

XII. HEARING ON LEA APPLICATION

A. Application Procedures

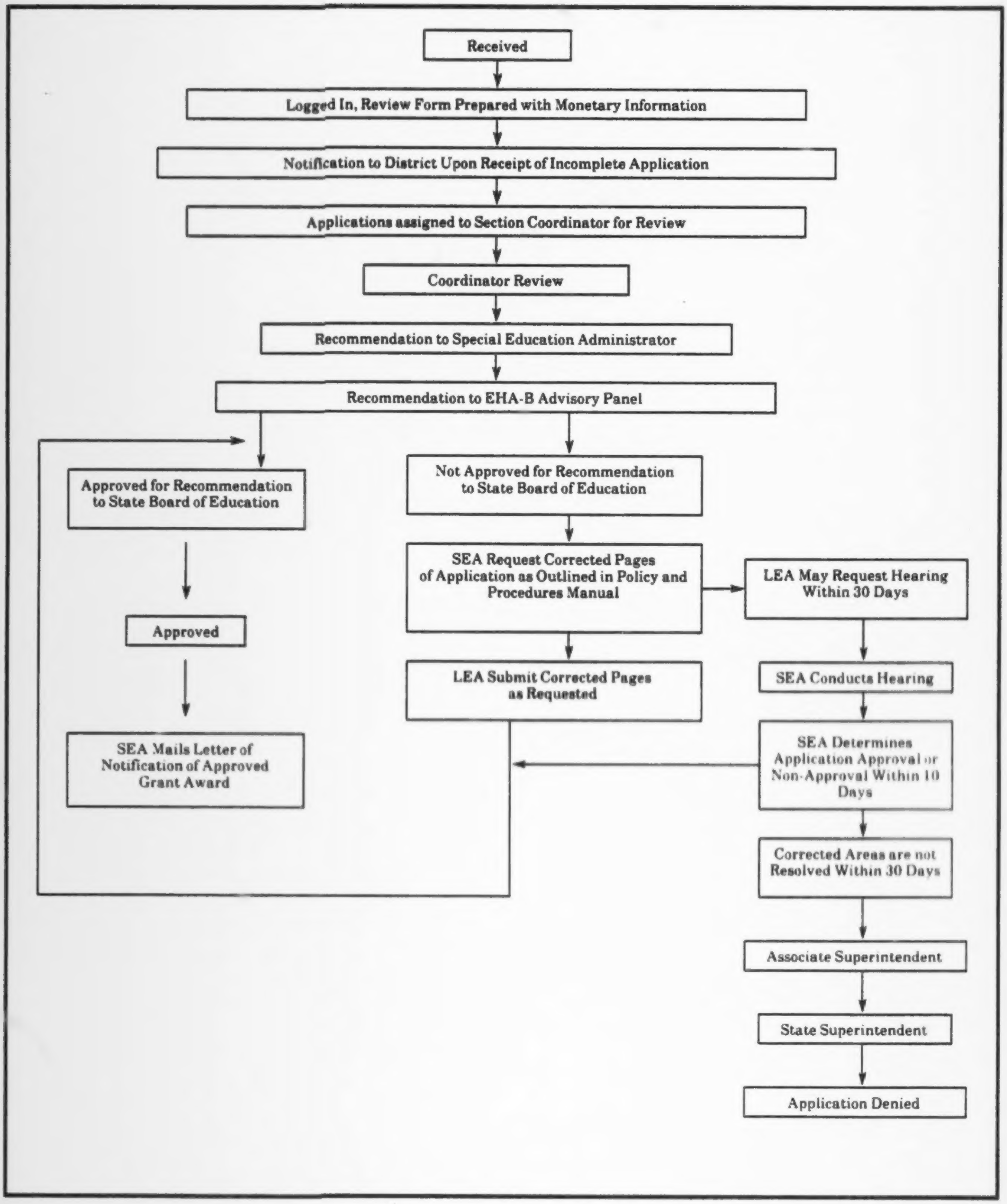
Application forms for EHA-B funds are mailed to each LEA during April of the preceding year. The completed application is then submitted to the SDE by the LEA for review and action.

B. Procedure in Case of Application Denial

1. If there are minor clarifications on the application or several noncompliance areas noted, a letter indicating nonapproval status will be sent to the LEA.
2. If needed, an appointment will be set up with the LEA and SDE to clarify application components and/or other information which is delaying approval on the project application.
3. The Special Education Section staff will review the application and information provided, and may or may not recommend the project for approval.
4. If the application is NOT recommended for funding, a letter will be sent to the LEA stating the reasons for nonapproval. A LEA may request a hearing within 30 days. (Refer to EHA-B APPLICATION REVIEW PROCESS CHART, page 24.)

EHA-B APPLICATION REVIEW PROCESS

Flow-Chart


Received
Logged In, Review Form Prepared with Monetary Information
Notification to District Upon Receipt of Incomplete Application
Applications assigned to Section Coordinator for Review
Coordinator Review
Recommendation to Special Education Administrator
Recommendation to EHA-B Advisory Panel
Approved for Recommendation to State Board of Education
Not Approved for Recommendation to State Board of Education
SEA Request Corrected Pages of Application as Outlined in Policy and Procedures Manual
LEA May Request Hearing Within 30 Days
Approved
LEA Submit Corrected Pages as Requested
SEA Conducts Hearing
SEA Mails Letter of Notification of Approved Grant Award
SEA Determines Application Approval or Non-Approval Within 10 Days
Corrected Areas are not Resolved Within 30 Days
Associate Superintendent
State Superintendent
Application Denied

XIII. ANNUAL PROGRAM EVALUATION

A. All special education programs are evaluated annually to determine if prescribed procedures are followed with regard to identification, eligibility and implementation of effective programming for handicapped children. This evaluation is conducted by independent auditors through the A-102 audit form.

The contents of selected confidential folders will be reviewed to determine the degree to which LEA procedures conform to SDE requirements. In particular, SDE Form No. 10 (Review of Placement/IEP) will provide the data to substantiate the effectiveness of programming for handicapped children.

Audit exceptions (which in some instances may reflect ineffective programming) are reported by the independent auditors to the SDE. The SDE provides technical assistance to correct the exception.

B. Each public agency shall establish and document procedures for determining program effectiveness to be completed at least annually. The regional accreditation officers shall review the program effectiveness documentation at the annual school accreditation visitation. During the annual school accreditation visitation each of 20 regional accreditation officers of the SDE complete the Annual Effectiveness Program Evaluation (p. 54) and reviews selected confidential folders containing IEPs and Review of Placement/IEP forms. Regional accreditation officers reports are submitted to the administrators of the Accreditation/Special Education Sections. If problem areas in programming or the IEP process are identified, the Special Education Section provides technical assistance to aid in program effectiveness..

Exemplary programs will be identified and responsible public agencies shall be informed of successful special education practices through the dissemination of information :(Implementation Procedures).

C. Regional accreditation officers annually measure the effectiveness of IEPs through the following steps:

1. Insuring that each eligible handicapped child has an IEP complete with signatures or prior notice documentation developed through the team process.
2. Reviewing child data recorded on the IEP; educational performance levels and objectives achieved over a period of five years (where applicable).
3. Reviewing the proceedings of an IEP team annual meeting as documented by the completion of SDE Form No. 10 (Review of Placement/IEP) which will examine the child's performance during the time the child received the services specified by the IEP. The child's degree of achievement of short term instructional objectiveness will measure the effectiveness and appropriateness of the IEP.

D. Annually, the SDE shall assess the time and resources needed to conduct annual program evaluations. Procedures will include the following steps:

1. Independent auditors shall submit to SDE the agencies to be reviewed and time spent at these agencies to complete Section A.
2. Regional accreditation officers shall complete a time card and submit to SDE in completion of duties as described in Sections B and C.

3. The SDE shall review the auditors report, regional accreditation officers time card totals, and financial records of these activities.

E. The SDE shall exchange the results of Section D with affected agencies to facilitate appropriate policy through the following procedures:

1. The results of Section D shall be Submitted to accreditation, auditing, federal programs, the associate and state superintendent.

2. The SDE may convene the above agencies (or others as applicable) to determine resource development.

ANNUAL PROGRAM EFFECTIVENESS EVALUATION

School District or Agency ______________________________

Date of Visitation ______________________________

Regional Accreditation Officer ______________________________

1. Does the agency have documented procedures for determining program effectiveness? ☐Y ☐N
2. How does the agency document that procedures are implemented? ☐Y ☐N
3. Does the agency complete these procedures annually? ☐Y ☐N
4. Does the agency provide each eligible handicapped child an IEP complete with signatures or other documentation? ☐Y ☐N
5. Do the IEPs reflect effective programming objectives achieved, etc.? ☐Y ☐N
6. Do annual reviews document a change in performance levels? ☐Y ☐N
7. Describe areas of strengths representing an exemplary program:
8. Describe program weaknesses needing policy or resource development:

____
School Administrator

____
Regional Accreditation Officer

This report should be completed and returned to State Department of Education, Special Education Section.

INDIVIDUA

Oklahoma State De

Employee Full Name ______________________________

For the month of 19

Days of the Month	1	2	3	4	5	6	7	8	9	10	11	1
Hours Worked*												
Hours more or less than 8												
Release Time												

For the month of 19

Days of the Month	1	2	3	4	5	6	7	8	9	10	11	1
Hours Worked*												
Hours more or less than 8												
Release Time												

For the month of 19

Days of the Month	1	2	3	4	5	6	7	8	9	10	11	1
Hours Worked*												
Hours more or less than 8												
Release Time												

* check mark indicates an 8-hour day

I certify that the above record of my hours worked is true and c

Employee Signature ______________________________

L TIME SHEET
partment of Education

Social Security Number ______________________

2	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

2	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

2	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

orrect to the best of my knowledge and belief.

Supervisor Signature ______________________

XIV. ADDITIONAL REQUIREMENTS

A. Responsibility of the SDE for all education programs

1. To ensure that each public agency complies with the requirements of P.L. 94-142, the SDE has established interagency agreements with state agencies providing special education or related services. Implicit in such agreements and memoranda of understanding is the authority of the SDE to coordinate the delivery of special education and related services in accordance with the requirements of the Education for All Handicapped Children's Act. Provisions for coordination of services through interagency agreements are addressed in Oklahoma Statutes: Interlocal Cooperation Act (74-31-1001 et. seq.) and Oklahoma School Law--Special Education for Exceptional Children, Article XIII, Section 223 (70-13-111). Addendum #1

2. All educational programs for handicapped children administered within the state, including those administered by other public agencies, are under the general supervision of SDE persons responsible for these educational programs (Oklahoma School Law--State Board of Education Powers and Duties, Article I, Section 34 (70-3-104)).

3. The educational standards and requirements of the SDE are ensured through comprehensive program monitoring and interagency agreements. Monitoring procedures are described in Section XIV (B). Interagency agreements are found in the Addenda Section. Authority to determine and prescribe requirements for special education of exceptional children is provided in Oklahoma School Law--Special Education for Exceptional Children, Article XIII, Section 217 (70-13-105).

4. In monitoring compliance of responsible public agencies with federal requirements and state educational standards, the SDE provides to such agencies a written report of identified deficiencies, corrective actions necessary for compliance, and timelines for completion of corrective actions. The affected agencies are provided notification of their right to a fair hearing for the purpose of challenging a cited area of deficiency or required corrective actions. Technical assistance is provided when necessary to facilitate implementation of corrective action and cooperative efforts are encouraged in implementing corrective actions. Failure to correct identified deficiencies within reasonable timeframes may result in various actions: withholding or recovery of funds, nonapproval of applications for EHA-B monies, suspension or loss of accreditation, findings of noncompliance cited in annual report to the state Legislature, and other procedures or sanctions provided for in state or federal laws and interagency agreements.

5. The SDE provides technical assistance, inservice training, and conducts dissemination activities to assure that public agencies providing special education or related services are informed of the state and federal requirements for serving handicapped children.

6. Program effectiveness is evaluated annually. For a discussion of evaluation see Section XIII.

Interagency Agreements

1. The SDE coordinates efforts of responsible public agencies and LEAs in providing services to handicapped children through the use of interagency agreements and contracts between agencies as provided in state law (74-31-1001 et. seq. and 70-13-105). Addendum #2

2. The financial responsibilities of LEAs and public agencies providing special education and related services to handicapped children may be outlined by state law, interagency agreements, and contracts between agencies. Coordination of these efforts by the SDE facilitates the provision of free appropriate public education with delivery of governmental services at nominal cost to school districts.

3. Any disagreements between public agencies may be resolved through cooperative efforts by agency administrators, grievance methods specific to individual agencies, procedures outlined in interagency agreements, contractual arrangements, or provisions of law and state government.

4. Procedures to secure reimbursement from other agencies may be provided in any relevant agreements or contracts for services between LEAs and agencies. Any procedures not addressed in such agreements may be determined through legal action if necessary.

5. Implementation of interagency agreements for the provision of special education and related services is coordinated by the SDE. Current agreements between responsible state agencies are provided in the Addenda. Public agencies participation in these agreements may include but not be limited to Department of Human Services, Department of Health, Department of Mental Health, Department of Vocational and Technical Education, SDE, and LEAs. Such agreements are reviewed and updated as necessary by the participating agencies' mutual discretion. and as required by any state mandates.

B. SDE Monitoring Procedures

Each LEA will submit annually through Part I of the LEA application a list of all public/private agencies, institutions, and organizations within the boundaries of the school district which are responsible for providing special education programming. Based on this information, the SDE will conduct annual on-site comprehensive monitoring of one-third of all LEAs and agencies within that district. In addition, specific LEA documents will be monitored off-site.

SDE monitoring procedures will document the following:

1. The effectiveness of procedures undertaken to identify, locate and evaluate handicapped children (300.128(a)(5));
2. Implementation of IEPs (300.130(b)(2));
3. Compliance with procedures for placing handicapped children in private schools (300.402(a)); and
4. Placement of handicapped children to assure that the requirements of 300.500-300.555 are met (300.556)

Documentation of compliance in these areas will be accomplished in the process of completing Addendum #6 which is the SDE revised and expanded monitoring instrument. This instrument will be completed utilizing pre-site and on-site information.

Enforcement of any obligations imposed on agencies, institutions and organizations responsible for carrying out special education programming will be implemented as outlined in "Responsibility of SDE for All Educational Programs" component of the 1988-1990 State Plan.

Follow-Up/Corrective Action Plan

An agency will be required to submit a Corrective Action Plan to the SDE within 30 days of receipt of the written monitoring report. This plan will include a description of the steps which provides for:

a. Elimination of any past effects of a deficiency;

b. Prevention of any similar deficiency in the future;

c. Description of each action the agency will take to correct identified deficiencies and achieve future compliance, including adequate inservice training where appropriate (indicating dates, topic(s) and attendees);

d. Documentation to verify the initiation and completion of those actions needed to assure correction of current deficiencies and prevention of future ones;

e. Time frame for achieving full compliance.

The agency Corrective Action Plan is subject to approval by the SDE. Where necessary, technical assistance will be provided to agencies to aid in implementation of the plan. Verification of the corrective actions of the agency will occur in a variety of ways, depending upon the nature of the deficiencies. Some examples may include:

- Continuous contact with SDE technical assistance staff
- Follow-up on-site visitation by SDE personnel
- Final report submitted by agency to officials

Enforcement

Sanctions for failure to correct an identified deficiency(s) will be determined by the SDE and shall be based upon the individual area of noncompliance. The time periods in which these sanctions will will be imposed shall be at the discretion of the SDE. These sanctions may include possible delay in (1) the release of federal funds, and (2) district accreditation by the SDE.

C. Policies and Procedures for Use of Part B Funds

1. The Education for All Handicapped Children Act Part B provides increased funds for special education and related services for local education agencies through the State Department of Education.

2. At least 75 percent of the funds awarded to the state by the Department of Education are awarded to local education agencies on a flow-through basis upon receipt of an approveable LEA application. Flow-through funds are awarded through a formula based on the number of handicapped children counted as served on December 1.

3. Twenty-five percent of the state grant may be retained at the SDE to implement the EHA-B State Plan. Maximum percentage of the SDE's portion will be used as described below:

   Twelve percent will be available to implement Oklahoma's Comprehensive System of Personnel Development.

   Eight percent will support indirect service programs and discretionary subgrants to LEAs. Discretionary subgrants are awarded to LEAs with program requests that meet priorities as outlined in the EHA-B policies and procedures booklet for that fiscal year*. (See Addendum #5)

   Five percent will be used for administrative costs incurred through SDE implementation of the act.

D. Additional Information if SDE Provides Direct Services

A FAMILY CENTERED EARLY EDUCATION PROGRAM FOR HEARING IMPAIRED CHILDREN

Oklahoma State Department of Education
Diana Fine

A model Regional Preschool for Hearing Impaired Children was established in January 1983 by the Oklahoma State Department of Education. The program combines direct service to the child with a variety of services to the family.

The program offers 11 services which are utilized in various combinations by the participating families.

Preschool:

The preschool class meets for three hours daily. Communication methodology is individually determined. Classroom activities are planned to promote auditory, fine and gross motor, cognitive, language, speech, and communication development. Emphasis is on experienced based language for all activities.

Home Intervention:

Weekly home visits provide instruction and modeling for parents in hearing aid, auditory, communication, language, and cognitive skills. The SKI*HI Model serves as the curriculum in the home intervention component.

Parent Group:

The parent group meets once per month in the evening. Topics and speakers are chosen by parents according to their needs and interests. Extended family members are welcome.

Sibling Program:

Preschool age hearing siblings participate in classroom activities along with hearing impaired children. Additional activities designed to facilitate understanding of hearing impairment are offered for siblings of all ages.

Family Activities:

Family activities, chosen by parents, are planned once or twice per semester. These weekend outings are designed to involve the whole family in an enjoyable experience, while parents learn to take advantage of teachable moments.

Parent Resource Library:

Books, journals, articles, catalogs, classroom materials, and auditory trainers are available for check out to participating families.

Mom's Night Out:

Mothers meet once per month for dinner and informal interaction.

Support Group:

The group meets twice per month during preschool hours. Mothers seek and exchange information of concern relating to all aspects of hearing loss and child development. Sessions may focus on a particular topic, but open communication is of primary importance.

Audiological Management:

Audiological services are contracted through a university. The audiologist does conditioning, ongoing assessment, earmolds, and adjustments of auditory trainers.

Infant Stimulation:

Individual auditory and language stimulation may be provided in the home or in the classroom. This program component is available only to infants too young for classroom placement. Parent participation is required.

Parents In Classroom:

Parents conduct learning activities with children in the classroom under the supervision of the teacher. Eight hours of classroom observation are required before parents participate in the classroom.

E. Implementation Procedures-SDE

1. As required by Section 300.600 (SDE Responsibility for All Educational Programs), agencies serving handicapped children must meet all the provisions of P.L. 94-142 as adopted by the State Board of Education through its approval of the EHA-B State Plan. Among the many requirements special service providers must address are the rights of handicapped children and their parents. This is accomplished through the inclusion of a strong procedural safeguards component in the Plan of Action of Interagency Agreement of each agency. To assist in maintaining compliance, the SDE Information Dissemination System continually distributes procedural safeguards information to all public and private service providers.

   The primary sources of information for training and dissemination purposes are:

   a. *Polices and Procedures in Oklahoma for Special Education* (Addendum #1)

   b. *Due Process in Special Education-Guidelines for Parents and School Administrators* (Addendum #3)

   c. *Roles and Responsibilities of Surrogate Parents in Oklahoma* (Addendum #1, Section III)

   Objectives:

   a. To disseminate procedural safeguards information to LEAs, other special services agencies and parents.

   b. To inform designated persons within each public and private agency of their roles and responsibilities for procedural safeguards.

   c. To disseminate information on the identification and training and surrogate parents.

   d. To identify candidates and train as hearing officers.

2. Shown below are examples of the variety of methods used by the SDE as part of its information dissemination program.

   a. Distributing manuals through mass mailings, on-site reviews, and inservice workshops.

   b. Providing inservice training on procedural safeguards.

   c. Conducting mini-sessions on procedural safeguards at state CEC, OARC, OACLD, CCOSA, and other professional conferences.

   d. Conducting specific training sessions for surrogate parents and hearing officers.

   e. Conducting specific training sessions for parents on due process.

   f. Conducting specific training sessions for school administrators on due process.

   g. Presenting update sessions at each RESC summer conference.

h. Structuring the content of forms used by LEAs in the IEP process to:

  (1) Simultaneously inform parents of their rights and
  (2) Ensure the observance of parent rights by district staff.

i. Requiring documentation through LEA plans/applications that ensures procedural safeguards are an integral part of district policy and procedures.

j. On-site monitoring of local districts by the SDE provides opportunities for the evaluation of procedural safeguards, implementation, and immediate technical assistance where necessary.

k. Interagency meetings are a forum for reinforcing procedural safeguards as a component critical to the effective implementation of P.L. 94-142 by all special service providers.

XV. CONFIDENTIALITY

A. The Oklahoma State Department of Education requires each LEA to notify parents of the requirements related to the identification, location, and evaluation of handicapped children. This notice must:

1. Be provided in the parent's native language or other mode of communication unless clearly not feasible. If the native language or other mode of communication is not written, then the LEA must take steps to ensure that appropriate translation services are available and that the parents understand this notice.

2. Include those children identified as "handicapped" in § 300.5.

3. Include the types of information sought (i.e., information that may be used in planning present and future program needs for a handicapped child).

4. Include the methods the SDE uses in gathering such information. A statement regarding this methodology appears below:

   a. Newspaper Announcements. The Oklahoma State Department of Education will place appropriate announcements in newspapers having local and statewide coverage. The following announcements will appear in: *The Daily Oklahoman*, *The Tulsa World*, and the state *Superintendent's Newsletter*:

      The Oklahoma State Department of Education is coordinating the collection of selected information on physically, emotionally, and mentally handicapped children, birth through 21 for the purpose of determining present and future program and replacement needs, and for statistical reporting. Information will be obtained from local special service departments, regional education service centers, the Department of Human Services, State Department of Mental Health, and state and county guidance centers.

      The Special Education Section of the State Department of Education as the designated agency to coordinate education services for the handicapped will be receiving this data from other state and local agencies providing educational services to the handicapped. Parents and guardians maintain the right to inspect any and all data which is subject to collection regarding their child and to appeal the accuracy of any such information. The access of unauthorized persons to personally identifiable data without parental consent is forbidden

      One person in each local education agency has responsibility for those having access to these data. It is required that these data be destroyed following the completion of special services to the child, but not sooner than five years after a record is generated. Parents will be notified and asked to consent to submission prior to the entry of any personally identifiable data for this collection and prior to the destruction of those data. For further information regarding the survey or regarding the local person to contact for information, you may contact: Keith Haley, 405/521-3351

   b. Agency Notices. Copies of the following notice will be sent to each participating local and state agency through which data might be entered into the system. These notices will be of sufficient quantity to assure that they may be seen and/or otherwise made public to the parents of children upon whom information may be entered. They are to be posted in conspicuous locations in each of these agencies.)

A NOTICE TO PARENTS

The (agency name to be written) is part of a joint venture involving the Oklahoma State Department of Education to collect selected information on physically, emotionally, and mentally handicapped children, birth through 21 years of age, for the purpose of determining present and future program and placement needs and for statistical reporting.

As a parent you are guaranteed the right to inspect any such information which is subject to collection and to require the accuracy of such information. Access by any unauthorized person to information which would identify an individual child, without the informed consent of the parent, is expressly forbidden.

This agency is responsible for the confidential maintenance of this information and for its destruction. It is required that these data be destroyed following the completion of special services to the child, but not sooner than five years after a record is generated. Parents will be notified and asked to consent to submission prior to the entry of any personally identifiable data for this collection and prior to the destruction of this data.

If you have questions regarding confidential data on your child, you may contact the following person at this agency:

________________________ at ________________________

If you do not fully understand this notice, please ask (person mentioned above) to explain its meaning to you. This notice is placed here under federal regulations related to the confidentiality of information.

c. Information for parents. Information describing the existing information gathering system and the purposes for which the information will be used is routinely provided to the parent of each child who is referred for possible special services by the LEA.

5. Include uses to be made of the information gathered (i.,e., to determine the present and future program needs of handicapped children, and for statistical reports). (Addendum #1, Section III)

6. Include policy and procedures for information storage, retention, disclosure to third parties, and destruction of personally identifiable information. (Addendum #1, Section III)

7. Include parental and children's rights regarding confidential information under FERPA (Addendum #1, Section III).

B. Prior to any major identification or evaluation activity, public notice such as the one described above appears through public media. (Addendum #1, Section III)

C. Each participating agency shall permit parents to inspect and review any educational records collected, maintained, or used by the agency relating to their children. (Addendum #1, Section III)

D. The right to inspect and review education records includes:

1. Record explanation and interpretation. (Addendum #1, Section III)
2. Provision of copies of records. (Addendum #1, Section III)
3. Right of access for parental representative. (Addendum #1, Section III)
4. The parents may review all records related to the identification, evaluation, and placement of a child, and the provision of a free, appropriate, public education for the child.

E. If a parent requests to inspect or review records the agency must:

1. Comply with the request before any meeting regarding an IEP or hearing relative to the identification, evaluation, or placement of the child.
2. Comply within 45 days of the request.

F. An agency may presume that the parent has the authority to inspect and review records relating to his or her child unless the LEA has been advised that the parent does not have authority under state law governing such matters as guardianship, separation, or divorce.

G. Each agency must keep a record of parties obtaining access to educational records collected, maintained, or used under this law.

H. The record of access described in the preceding section shall specify:

1. The name of the person viewing the record.
2. Date of access.
3. The purpose for which the party is authorized to use the records.

I. The confidentiality procedures of each agency shall ensure the parents have the right:

1. To review only those records relating to their child.
2. To be informed of that specific information relating to those recorded mentioned above.

J. Each agency shall provide to parents upon request a list of the types and locations of educational records that are collected, maintained or used by the agency.

K. An agency may:

1. Charge a fee for copies of records if the fee does not effectively prevent the parents from exercising their right to inspect and review the records.
2. Not charge a fee to search for and retrieve information.

M. If an agency receives a request to amend the records of a handicapped child, the agency shall:

1. Comply with the request within a reasonable amount of time.

2. Refuse the request and then inform parents of the refusal and of the parents hearing rights.

N. The agency shall, upon request, provide the parents of a handicapped child the opportunity for a hearing to challenge information in educational records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

O. If the decision reached through the hearing is that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the agency shall amend the information accordingly and so inform the parent in writing.

P. If the decision reached through the hearing is that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the agency shall inform the parents of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

Q. Any explanation placed in the records of the child must:

1. Be maintained by the agency as part of the records as long as the record or contested portion is maintained by the agency.

2. Disclose the explanation to the party if the records of the child or the contested portion is disclosed by the LEA to any party.

R. A hearing held under this section must be conducted according to the procedure established for such hearings in state and federal law. (34 CFR 99.22)

S. Parental consent must be obtained before personally identifiable information is:

1. Disclosed or released to anyone other than officials of participating agencies collecting or using this information, unless authorized to do so under the decision of a due process hearing, an appeal, or a civil action. (34 CFR 300.571 and 34 CFR 99.22)

2. Used for any purpose other than meeting a requirement of P.L. 94-142.

T. If the parents refuse to give permission, an agency should seek resolution through an individual conference. If this proves unsuccessful, the agency may request a due process hearing to obtain consent to release confidential information regarding a handicapped child.

U. Each agency shall be responsible for protecting the confidentiality of personally identifiable information at the collection, storage, disclosure, and distribution stages.

V. Each agency shall designate an official as having primary responsibility for all personally identifiable information.

W. All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policies and procedures in regard to confidentiality of the records of handicapped children.

X. Each agency must maintain, for public inspection, a current listing of the names and positions of those employees of the agency who may have access to personally identifiable information.

Y. Each agency shall inform parents when personally identifiable information collected or maintained is no longer needed. (Addendum #1, Section III)

Z. All confidential records, except the information needed on transcripts will be destroyed when their usefulness is over; however, not sooner than five years after a record is generated. Parents will be notified 60 days before destruction and will be offered the opportunity to obtain the documents. If parents do not request the documents, the documents will be destroyed.

A.1. All parental rights discussed above pass to the child upon reaching the age of majority (age 18) or when attending an institution of post secondary education unless a specific statute or a court order or decision directs otherwise. In those instances, the legally established guardian maintains the rights to privacy as outlined in this section.

A.2. Confidentiality procedures shall be monitored every three years by a monitoring team consisting of appropriate SDE staff.

B. Description of Use of Part B Funds for 1987-88, 1988-89, 1989-90 School Years.

I. State Allocations

1. Administrative Positions Paid With Part B Funds	2. Description of Positions Paid with Part B Funds	3. Percent of Salary Paid With Part B Funds
1 administrator	Supervise staff, collect and analyze management and fiscal data, child count, and oversee activities to comply with state and federal mandates	100%
1 assistant administrator	Coordinate all comprehensive monitoring activities	100%
1 administrative officer	Procedural safeguards	100%
2 technical assistance officers	Provide technical assistance to schools with litigous concerns, mediation and complaint management; due process	100%
7 coordinators	P.L. 94-142 technical assistance, on-site reviews, monitoring reports, inservice training, LEA applications, and district plans	100%
2 deaf education coordinators	Project ECHO, Project Insite development, deaf and hard of hearing, technical assistance, inservie training, on-site reviews, and monitoring reports	100%
1 special education media specialist	P.L. 94-142 technical assistance, on-site reviews, monitoring reports, LEA applications and district plans, 89-313 program supervision and monitoring	100%
1 model program teacher	Direct service to hearing impaired preschoolers in model program	100%

1. Administrative Positions Paid With Part B Funds	2. Description of Positions Paid with Part B Funds	3. Percent of Salary Paid With Part B Funds
1 auditor	Internal auditing and monitoring of EHA-B projects	100%
3 regional accreditation officers	Evaluate effectiveness and provide technical assistance as needed for special education programming	100%
5 secretaries	LEA applications and fiscal reports, correspondence, advisory and interagency correspondence, due process, technical assistance	100%

4. Administrative Activities

   a. Administer the statewide exceptional program for handicapped students.

   b. Administer an ongoing effort to locate, identify, and provide a free, appropriate, public education.

   c. Provide technical assistance to school districts, parents, and others concerned with the education of handicapped students.

   d. Administer the Comprehensive System of Personnel Development.

   e. Administer interagency activities and promote coordination of services to handicapped children from public and private agencies.

5. Direct and Support Services

   a. First-priority children who are newly identified will have services provided through contract or cooperative arrangement as will the children who are not served with LEA allocations because of program size or other application problems denoted in 300.360. The SDE assures participation and consultation with parents or guardians of handicapped children for a free, appropriate, public education for the handicapped students ages four through eighteen, and all severely handicapped below four years of age. In addition, handicapped persons ages 19 to 21 who are unserved and who have not had 12 years of education shall be served.

      The SDE assures that each child provided direct or supportive services will be provided an opportunity to participate in regular education programs to the maximum extent appropriate. The alternative placements which are available include institutional placement, self-contained classes, learning resource rooms, itinerant teachers, hospital teachers through special services, school to home telephone, teacher consultants to regular classroom teachers, home-based service delivery for children who cannot be served in a regular school setting.

b. Related services for the inadequately served is a major source for expenditures. The method for determining how related services will be provided will be the responsibility of the LEA and SDE to determine the cost effectiveness, program quality, and availability of services through interagency and other service provider approaches.

c. Support services will include continuation of the Comprehensive System of Personnel Development, recruitment and training of hearing officers, dissemination of public information, and parent-training activities relating to the provision of a free, appropriate, public education for handicapped children.

6. Activities for the State Advisory Panel for 1987-88, 1988-88, 1989-90 School Years

The state advisory panel will meet quarterly and advise the SDE of unmet needs of handicapped students within the state. The committee will comment publicly on any rules and regulations recommended for approval regarding the education of handicapped students in Oklahoma and procedures for the distribution of funds under this part. Each panel member receives reports of all SDE approved applications by LEAs for EHA-B monies and provides input before final presentation to the State Board of Education.

By July 1 of each year, the advisory panel will submit an annual report of panel activities, suggestions to the SDE and other concerns as deemed appropriate. This report will be made available to the public in a manner consistent with other public reporting requirements. The composition of the advisory group is in accordance with the requirements of P.L. 94-142.

II. Local Education Agency Allocations for School Years 1987-88, 1988-89, and 1989-90

A. An estimated 601 districts will receive Part B funds. It is projected that for school year 1987-88, 161 or approximately 27% of the districts will submit single-district applications. Sixty-one (61) cooperative applications with an average of 9 districts in each one should represent the remaining 73% of the school districts.

B. For school year 1988-89, 144 (approximately 24% of the districts) will submit single-district applications. Fifty-eight (58) cooperative applications will continue averaging nine districts per cooperative are projected to represent the remaining 76% of the school districts.

C. School year 1989-90 will probably continue to reflect the consistent decrease in single-district applications. Hypothetically, 146 or 24% of Oklahoma's school districts will submit single-district applications. Seventy (70) cooperative applications including 11 districts per cooperative should represent the remaining 76% of the school districts.

D. The SDE may use funds generated by local education agencies and other monies as necessary to ensure the provision of a free, appropriate, public education to handicapped children residing in the area served by the location education agency if the LEA, in any fiscal year:

1. Is entitled to less than $7,500 for that fiscal year;

2. Does not submit an application that meets the requirements of 300.220-300.240;

3. **Is unable to establish and maintain programs of free, appropriate, public education;**

4. **Is unable to consolidate with other LEAs in order to establish programs.**

The SDE maintains the flexibility to provide these services by contract or through other arrangements as denoted in 300.360.

ADDENDA

1. Policies and Procedures for Special Education in Oklahoma
2. Interagency Agreements
3. Due Process Guidelines for Parents and School Administrators
4. LEA District Plan
5. EHA-B Finance Booklet
6. SDE Monitoring Guide

POLICIES AND PROCEDURES MANUAL
FOR SPECIAL EDUCATION
IN
OKLAHOMA

Prepared by
Special Education Section

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OKLAHOMA
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I. INTRODUCTION

The policies and procedures contained in this document assure *all* handicapped children residing in Oklahoma the right of access to a "free, appropriate public education" as mandated by Public Law 94-142. Each agency responsible for a handicapped child's individualized education program will abide by these regulations based on state and federal law. Agencies having this responsibility are: local public school districts, state supported institutions, private schools (which are accredited according to state standards) and hospital schools. Other programs that may be developed to meet the child's educational needs will come under the jurisdiction of one of the above agencies.

This manual is a support document to the State Plan for Special Education. Its purpose is threefold:

1. To establish minimum standards for program approval.
2. To establish minimum standards for the determination of pupil eligibility.
3. To establish considerations which will lead to appropriate programming within the least restrictive environment.

It is important to note that minimum, not optimum, standards are being addressed. A school district (or agency) may establish criteria exceeding standards. However, at no time may a school district or agency establish criteria less than the minimum standards.

II. ADMINISTRATIVE RESPONSIBILITY

A. State

The Special Education Section was created by the State Board of Education to provide leadership in establishing and expanding services for handicapped children throughout the state. It must ensure the observance of regulations of laws relative to special education so that appropriated funds will serve their intended purpose. Educational programs for handicapped children administered within the state must meet education standards of the state, as well as applicable federal requirements. Responsible public agencies in Oklahoma must be informed of these state and federal requirements and successful special education practices through ongoing efforts of the State Department of Education.

The services of the Special Education Section include: (1) providing overall leadership and direction as outlined in the Oklahoma State Plan for Special Education; (2) monitoring for compliance, and evaluating for effectiveness of special education programs; (3) allocating special education funds; (4) promoting inservice training for special service providers and parents; (5) collecting and reporting information; (6) processing complaints and requests for due process hearings; and (7) providing consultation.

B. Local Education Agencies

1. Each local education agency must submit to the State Department of Education a district plan containing specific assurances of how all eligible handicapped children in the district will have access to "free, appropriate public education." This plan must follow the state plan, state and federal laws and regulations, and be subject to approval of the Special Education Section of the State Department of Education.

2. The local education agency is responsible for all exceptional children who are legal residents of the district. Independent school districts are responsible for ages 0-21. Dependent schools have the responsibility for ages 0 through the grade level of the school. (Example: school has classes to sixth, seventh, or eighth grade.) Upon leaving the dependent school, the responsibility for the educational program for a handicapped student is assumed by the independent district receiving the child (the same as nonhandicapped student) if the dependent school is in the independent school's transportation area. If the child is transferred outside the transportation area, the dependent school retains responsibility for special services.

3. A local education agency may fulfill these responsibilities by:

   a. District directly providing special education for such children;

   b. District joining in a cooperative program with another district or districts to provide special education for such children;

   c. District joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard-of-hearing, or for children who are blind or partially blind; or

   d. Transferring certified exceptional children to other school districts which accept them and provide special education for such children, with the district in which the child resides paying tuition therefore as hereinafter provided. (70-13-101)

4. Given the department of education philosophy that special education is an integral part of regular education, all service delivery systems must offer the following possible placements ranging from the least restrictive (maximum opportunity for contact with nonhandicapped children) to the most restrictive (least contact with nonhandicapped children).

   a. Regular classes

   b. Special classes

      (1) Resource lab

      (2) Self-contained

   c. Special separate schools

   d. Home instruction

   e. Institutions/hospitals

5. Each district must make an annual comprehensive survey to determine the number and type of children who (as district residents) are in need of special services. The survey must also include children not enrolled in school. Records and documentation must be maintained showing methods used in the survey. Such methods could include: newspaper articles, radio or television spot announcements, brochures, and other printed information distributed throughout the district, school personnel at meetings (such as civic clubs, etc.)

6. Assurances are made that all handicapped children will be served in facilities comparable to those facilities for nonhandicapped children and that all handicapped children be educated with nonhandicapped children to the maximum extent appropriate.

   Local school systems are encouraged to develop their programs around the needs of children and not force students into inflexible programs. While emphasizing the philosophy of "Least Restrictive Environment," the reality of the special needs of handicapped children must be considered when designing their educational program. Each placement recommendation should emphasize opportunity for development with minimum failure.

7. Each public agency shall establish and document procedures for determining program effectiveness to be completed at least annually.

8. Each handicapped child must be afforded the opportunity to participate in the regular physical education program available to nonhandicapped children, unless the child needs specially designed physical education as prescribed in the child's individualized education program or is enrolled full-time in a separate facility.

9. On December 1 of each year, each district shall conduct a child count and report the data to the Special Education Section through a regional education service center . This count must be unduplicated and documentation must be obtained that ensures the following children are *not* counted:

   a. Handicapped children who have been evaluated by a public agency but are not receiving special education or related services on December 1, as required by (34 CFR 300.751).

   b. Handicapped children who are not enrolled in a school or program operated or supported by a public agency as required by (34 CFR 300.753).

   c. Handicapped children who are not provided special education and related services that meet state standards as required by (34 CFR 300.753).

   d. Handicapped children who are receiving special education funded solely by the federal government. (This category of children could include Indian children residing on or near reservations and handicapped children residing on military facilities, unless the public agency provides special education and related services to such children.

10. It is the responsibility of the local education agency to see that all necessary forms are *completed* and *signed*.

11. Each local education agency must maintain a master list of all handicapped children and youth ages 0-21 who are residents of their district. The list should include the child's name, age, and disability. The child's present educational placement should be noted, i.e., local program, transferred, state school, private school, etc.

III. ORGANIZATION OF SPECIAL EDUCATION PROGRAMS

A. Child Identification/Awareness

The determination of the need of special education and related service shall be determined by the following procedures as assured in the local district plan.

1. Documentation of Public Awareness

   a. Each district shall maintain an active awareness process in collaboration with parents, health, and social service agencies to inform the public about state and federal programs for handicapped persons in *each of the respective agencies*.

   The communication and dissemination process shall be conducted in a systematic manner to emphasize awareness of handicapping causes, conditions, and procedures for *access* to services to identify eligible handicapped persons from 0-21 years of age.

   The process shall include *two* or more of the following activities:

   (1) Ongoing advertisements, news releases, and feature articles in newspapers and agency newsletters.

   (2) Monthly advertisements, news releases, spot announcements, interviews on radio or television, and/or public forum.

   (3) Maintained placement of posters, and referral post cards placed in public places or mailings, e.g., doctors' offices, utility bills, church bulletins, community stores, and libraries.

2. Documentation of Screening and Implemented Comprehensive Evaluation Procedures

   a. Each district shall maintain a comprehensive multi-agency procedure for formal *observation*, interviews, and *routine interventions* that clarify the nature of the handicapping condition suspected for in-school and out-of-school persons 0-21 years of age.

   b. Each district shall have a procedure for referral and comprehensive evaluation of persons with observed, substantiated, or screened handicapping conditions.

   c. Local agencies who serve handicapped persons shall address new requirements for coordination of public agencies responsibilities to assure supplemental and nonsupplanting usage of funds in accordance with the Education of the Handicapped Act, Amendments of 1986, Title II, Section 203. The joint agency process will help delineate financial responsibility, encourage team effort, avoid supplanting, and increase the accuracy of diagnosis and effectiveness of intervention.

B. Parental Involvement

Parental involvement is an important part of the Education of the Handicapped Act. A parent, guardian, or person acting as a parent of a child shall be involved in the designing of the educational program for a handicapped child. Appropriate district staff and this person will work together in a team setting throughout the referral, evaluation, and program planning stages. The parent must:

1. Give prior *written* permission for individual evaluation.

2. Receive a list of their rights.

3. Have the evaluation results explained to them and see a copy of the evaluation(s). They may request and receive a copy of all educational evaluations and records of the child at minimum cost.

4. Give *written* permission for the child to be placed in a category determined by the eligibility team.

5. Give prior *written* permission for the total reevaluation of each handicapped child at least every three years, or more often if needed.

6. Give *written* permission for initial placement of the child in the special education program determined most appropriate by the categorical eligibility team.

7. Be afforded the opportunity to participate in the development of the Individualized Education Program and its annual review. Attempts used by each public agency to include parents in meetings for their handicapped child must be in accordance with (34 CFR 300.345) as follows:

    a. Notify parents of the meeting early enough to ensure that they will have an opportunity to attend; and

    b. Schedule the meeting at a mutually agreed upon time and place. The notice used by each public agency to inform parents of these meetings must indicate the purpose, time, location, and who will be in attendance.

    c. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

    d. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a *record* of its attempts to arrange a mutually agreed upon time and place. This shall include:

        (1) Detailed records of telephone calls made or attempted and the results of these calls.

        (2) Copies of correspondence sent to the parents and any responses received; and

        (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.

    e. The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is not English.

    f. The public agency shall give the parent, on request, a copy of the Individualized Education Program.

8. Be given *written* notice a reasonable time before the public agency:

a. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child; or

b. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child.

c. The written notice must include:

(1) A full explanation of all the procedural safeguards available to the parents under Subpart E of federal regulations;

(2) A description of the action proposed or refused by the agency, an explanation of why the agency proposed or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;

(3) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal;

(4) A description of any other factors which are relevant to the agency's proposal or refusal;

(5) Language understood by the general public;

(6) The native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;

(7) Steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication if the native language or other mode of communication of the parent is not a written language;

(8) Steps to ensure that the parent understands the content of the notice; and

(9) Written evidence that the requirements of (7) and (8) above have been met.

C. Category Definitions, State Regulations and Class Size

Definitions of "handicapped children."* The terms used are defined as:

1. "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

2. "Deaf-Blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

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* (34 CFR 300.5)

3. "Hard-of-Hearing" means a hearing impairment, whether permanent of fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section.

4. "Mentally Retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

5. "Multihandicapped" means concomitant major impairments (such as mentally retarded--blind, mentally retarded--orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

6. "Orthopedically Impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

7. "Other Health Impaired" means having an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

8. "Seriously Emotionally Disturbed" is defined as follows:

   a. The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

      (1) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

      (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

      (3) Inappropriate types of behavior or feelings under normal circumstances;

      (4) A tendency to develop physical symptoms or fears associated with personal or school problems.

   b. The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

9. "Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, mimimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the

result of visual, hearing, or motor handicaps, of mental retardation, emotional disturbance, or of environmental, cultural or economic disadvantage.

10. "Speech or Language Impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

11. "Visually Handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

12. "Visiting Counselor" means a liaison person between the home, school, and community agencies. The counselor must hold a valid Oklahoma Visiting Counselor's Certificate. It is recommended that minimum case loads for program approval are as follows: Full-time program 250 and part-time in proportion.

D. General Information

1. Self-Contained or Separate Class Programs Defined

Self-contained programs serve handicapped students who require basic academic instruction by special education teachers. The majority of the students in a self-contained class must not be out of the special class more than two school periods a day for activities such as: physical education, music, art, etc.

2. Laboratory, Resource Room or Itinerant Teacher Programs Defined

These programs are for students exhibiting mild handicaps who need special education services, but the majority of which can function successfully in three or more regular classes. The majority of these students cannot be in a special education class more than three school periods per day. The language lab may serve ten students per hour. These numbers will be considered as a portion of the speech language pathologist case load. Time spent within the special program will be determined by individual need. Teacher case loads for educable mentally handicapped, emotionally disturbed, and learning disability laboratory, resource room, or itinerant teacher programs must not exceed 25 different students. Teachers of these classes are not to have more than ten students in their rooms at any one time.

3. Home-Based Programs

The Home-Based Special Education Program permits instruction for the identified handicapped child outside the school setting. This child must be of legal school attendance age and unable to participate in a school-based program due to his/her handicapping condition. The instruction must be provided by a special education teacher certified in the child's handicapping category. This program will be considered as an extension of the district's special education program and the district will assume responsibility for its funding. The individualized education program must specify the amount of instructional time to be provided with all other sections of the individualized education program complete. The attendance for said child shall be entered in the appropriate register by the local school. This child shall be counted for full average daily attendance for state aid, providing established procedures have been followed in (1) evaluation, (2) eligibility determination, and (3) development and implementation of an appropriate Individualized Education Program.

4. Indirect Services

If handicapped children can best be served by placement in regular classes with an Individualized Education Program, there must be a certified special education person responsible for the child's education. This teacher must be certified in the category of the child's disability.) This person will not teach the child, but will be involved with teacher conferences, parent conferences, writing the Individualized Education Program and furnishing special materials as needed for the child's program. The special education teacher assigned full-time as an indirect service provider shall have a reasonable active case load of no more than 40 different students. *Less than full-time shall be prorated*; example; a teacher with two hours released time could serve 14 students (approximately 2/6 of 40) on a consultative basis. A full-time self-contained or lab teacher with a maximum class load cannot act as a consultant for mainstreamed students.

5. Private Schools

A local board of education may contract with a state board-accredited, nonprofit, nonsectarian, private school to provide specified special education services and instruction to eligible "exceptional children."

6. High School Special Education

a. Units required for graduation

Twenty (20) units are required for graduation. Fourteen of the 20 units required shall be earned in the 10th, 11th, and 12th grades. Six units may be earned in the 9th grade.

Local Individualized Education Program teams may, for individual students, use the following modified course names to allow *realistic programming* for handicapped youth:

(1) Communication Skills--4 units

(2) Social studies--2 units (This fulfills the requirement for American History--1 unit and Oklahoma History--½ unit and World History--½ unit.)

(3) Science--2 units (One unit must be a laboratory science.)

(4) Computation Skills--2 units

Ten units of the required 20 units shall be chosen from the following:

(1) Co-op Training (work experience or on-the-job training) (Maximum 3 units per school year)

(2) Vocational and Technical Education (Maximum 3 units per school year)

(3) Home Training

(4) Vocations

(5) Physical Education

(6) Arts and Crafts

(7) Music

(8) Industrial Arts courses

(9) Others as appropriate

Other Special Vocational Education

In addition to regular vocational-technical programs, Individualized Education Program teams may select from the special programs listed below. Such programs are available for freshmen, sophomores, juniors, and seniors. The students must be properly identified and have an individualized education program on file indicating enrollment in these programs. If vocational education is to be a part of the student's individualized education program, a representative of vocational education should be on the individualized education program team, and the instructor of the vocational program should have access to a copy of the individualized education program when the handicapped student enters the vocational program. The special programs are designed for students with special problems only, for freshmen, sophomores, juniors, and seniors.

Course	Year(s)	Semester(s)	Unit(s)
Building Maintenance Training	9, 10, 11 or 12	2	3
Introduction to Vocational Careers	9, 10, 11 or 12	2	3
Home, Business and Industrial Services	10, 11 or 12	2	3
Occupational Services	9, 10, 11 or 12	2	3

Students in the trade and industrial day-trade programs shall not receive compensation for work on live projects unless they have been formally assigned to a contractor, shop owner, etc., in their senior year (second semester) for on-the-job training. They must report to their trade and industrial class for theory. The trade and industrial day-trade teacher will regularly supervise assigned students on their jobs. These assignments will be coordinated by the teacher, the local administrator, and the state supervisor of trade and industrial education.

b. Transition

Transition is defined [illegible] planned program to span the gap from high school to the world of work. Critical characteristics of an appropriate secondary program include (a) functional curriculum, (b) least restrictive environment, and (c) community-based service delivery.

Special education curriculum in a senior high school may include transition programming through the following methods:

(1) Self-contained and/or lab program following state guidelines. The program will be developed according to individual student's needs as to the amount of time "mainstreamed." This type of program may offer vocational-technical services for half of the day.

(2) Cooperative work/study program, an agreement between the school district, the Rehabilitation Services Division of the Department of Human Services and the State Department of Education. Each participating school district will have a special education teacher and a vocational rehabilitation counselor assigned to the program to provide the coordinated services of both agencies. The teacher spends a portion of the school day in securing jobs for the students, supervising students on the job and making home visits. The students in this program can earn three cooperative training units per school year. This can be a good method of providing an appropriate transition program between school and the community.

Not all students enrolled in this program will necessarily be on a work schedule.

The teacher/coordinator may supervise 25 students in the field-work part of the program. These students may or may not be the same students carried on the coordinator's academic class roll.

(3) A school work/study conducted by the teacher without the signed cooperative agreement between the school and state agencies as mentioned in No. 2 above. The teacher will still secure jobs, supervise job placement and make home visits. Vocational rehabilitation services will be available upon request.

c. Local Education Agency Collaborative Efforts Required Through Other Agency Law/Policy

(1) Carl D. Perkins Vocational Education Act (Public Law 98-524)

Section 204 of part A sets forth criteria for services and activities for serving handicapped individuals. It states, "The State Board of Vocational Education shall provide assurances that:

(a) Equal access will be provided to handicapped individuals in recruitment, enrollment, and placement activities;

(b) Equal access will be provided to handicapped individuals to the full range of vocational programs (available to all others), including occupationally specific courses of study, cooperative education, and apprenticeship programs; and

(c) Vocational education programs and activities for handicapped individuals will be provided in the least restrictive environment in accordance with section 512 (5) (B) of the Education of the Handicapped Act and will, whenever appropriate, be included as a component of the Individualized Education Program."

In addition, each local education agency "shall provide information to the handicapped students and parents of such students concerning the opportunities available in vocational education *at least one year* before the students enter the grade level in which vocational education programs are generally first available, but in no event later than the beginning of the *ninth grade*, together with the requirements for eligibility for enrollment in such vocational education programs."

Section 204 continues, "each handicapped student who *enrolls* in vocational education programs shall receive:

(a) Assessment of interests, abilities and special needs of such students with respect to completing successfully the vocational education program;

(b) Special services, including adaptation of curriculum, instruction, equipment, and facilities, designed to meet the needs identified above (item No. 1);

(c) Guidance, counseling, and career development activities conducted by professionally trained counselors who are associated with the provision of such special services; and

(d) Counseling services designed to facilitate the transition from school to post-school employment and career opportunities."

(2) The Rehabilitation Act of 1973 (Public Law 93-112) and amendments

(a) The procedure for the designing and delivery of special education services should include a *vocational rehabilitation counselor* and others appropriate for the transitional planning of the Individualized Education Program and Individualized Written Rehabilitation Plan.

(b) This meeting should be held during the junior or senior year and certainly no later than the first semester of the senior year.

(c) It is the responsibility of the local school district to refer the handicapped student(s) to the area vocational rehabilitation counselor. The regional education service centers and the county department of human services have a list of vocational rehabilitation counselors in Oklahoma. The vocational rehabilitation counselor will determine eligibility for services from vocational rehabilitation.

(d) It may not be possible for the vocational rehabilitation counselors to attend all formal Individualized Education Program meetings, but they will make themselves available to the schools in their respective areas for the purpose of collaborating in this transitional planning for the services needed in the Individualized Education Program/Individualized Written Rehabilitation Plan. These services should be designed to facilitate the transition from school to post-school employment and career opportunities.

(3) Service Delineation as Outlined in the Oklahoma Interagency Cooperative Agreement

Age ranges and grade levels will vary depending on the level of need or severity of handicap. The following service profile chart for occupational preparation includes minimal instructional components, age ranges, levels, and agency responsibility:

INSTRUCTIONAL COMPONENTS	AGE RANGE	GRADE LEVEL	RESPONSIBLE PROGRAM
Personal Adjustment (daily living skills)	11, 12, 13	6th, 7th, 8th	Special Education (with consideration by vocational rehabilitation)
Prevocational Evaluation and Education	11, 12, 13	6th, 7th, 8th	General Education Special Education (with consideration by vocational education and vocational rehabilitation)
Vocational Training	14 and above 14-21 16 and above[1]	9th-12th 9th-12th 9th-12th	Vocational Education Special Education Vocational Rehabilitation
Job Placement and Follow-up	16 and above Program completers 16-21		Vocational Rehabilitation Vocational Education Special Education
Adult Training [2]			Vocational Rehabilitation Vocational Education

7. Modified Programs

Since the basic concept of special education is an appropriate education for individual handicapped children, there may be exceptions to the above regulations. For permission to adjust a program to fit the needs of handicapped students within the school district, the school must obtain a letter of approval from the administrator of the Special Education Section of the Oklahoma State Department of Education. Copies of this letter are to be on file with the local district, the department, and will cover only the current school year.

(a) Mixed Categories

Although special education students are served in programs designed for their handicapping category, children with different handicapping categories may be served in the same classroom when determined to be appropriate by the Individualized Education Program team.

To implement this, two conditions must be met:

(1) The special education teacher responsible for implementation of the IEP must have certification in the category of each child's handicapping condition;

[1] Eligibility for traditional vocational rehabilitation services is not based solely on age. However, Agency policy states that clients should reach employment age by completion of the individualized written rehabilitation plan.

[2] Dropouts are included in the adult training program.

(2) Modified program permission must be obtained.

(b) Class Size Adjustments

Modified program permission may be requested for an adjustment in Oklahoma State Board of Education approved class size(s) for handicapped children for emergency situations.

(c) Departmentalization

A school district may departmentalize special education instruction if needed to ensure appropriate programming. A written request for departmentalization shall be submitted before implementation. In such requests, a list of teachers and the areas of certification, handicapping categories of students, numbers of individualized education programs per teacher, and school site shall be included. A teacher is to have no more than 10 students per class hour, and responsibility for no more than 25 Individualized Education Programs.

NOTE: A school district must ensure that each program meets the individual needs as outlined in the Individualized Education Program.

8. Ages of Children

Minimum Age--Programs for exceptional children must be available beginning at age four. However, for certain eligible students there is no minimum age, i.e., severely handicapped children are to be provided special education services beginning at birth. These children are operationally defined as those functioning 50% or more below normal expectancy for their age. These may be: deaf and hard-of-hearing, visually handicapped, low incidence multiple-handicapped children, i.e., deaf-blind; retarded-cerebral palsied; autistic, and other children failing to thrive from birth.

Maximum Age--Each eligible exceptional child has a right to 12 years of public schooling beginning at age 6 (as provided by state regulations for entrance to first grade) and terminating upon completion of a secondary program and awarding of a diploma. However, additional service through age 21 is required if the student has not completed a secondary program and graduated.

Oklahoma School Law (70-5-132) states that any person over the age of 21 and under the age of 26 who has not completed the 12th grade, shall be given educational privileges if he/she was unable to attend school because of *military service* or *physical disability*. This extended time to age 26 years, is for the exact number of days he/she missed because of military service or physical disability.

9. Length of School Day

A school day for children enrolled in special education is determined by the needs of the child. Most exceptional students will attend school the same length of time as nonhandicapped students. However, when a child is unable to attend school on a full-time basis, the length of his/her school day may be determined by the Individualized Education Program/Placement team. The child shall be counted for full average daily attendance for state aid.

10. **Textbook Funding**

    Textbook funding allotments include all the children in a school district. If the textbook list does not contain appropriate material for the handicapped children, application may be made to the Textbook Section of the State Department of Education for permission to spend the money generated by these children on appropriate materials not on the textbook list. (H.B. 1140, Section 13) No funds shall be provided for students attending special education classes less than two hours per day. Those attending two hours or more per day, but less than four hours, shall receive a one-half allocation. Those attending special education classes for four or more hours per day shall receive full allocation.

E. Least Restrictive Environment

Each public agency shall ensure that:

1. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped; and

2. Special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

3. A continuum of alternative placements is available to meet the needs of handicapped children for special education and related services. The continuum available for consideration will include:

    a. Regular classroom with special consultation to the regular teacher provided by a certified special education teacher;

    b. Regular classroom supplemented by the services of an itinerant teacher;

    c. Regular classroom supplemented by the services of a resource room teacher;

    d. Part-time special education (i.e., services for students who spend most of their time in special classes, but participate with nonhandicapped students in some activities);

    e. Full-time special education (i.e., self-contained special classes);

    f. Special day schools;

    g. Home-based instruction;

    h. Residential schools; or

    i. Hospital school programs.

4. Each handicapped child's educational placement is: determined at least annually, based on his or her individualized education program, and is close as possible to the child's home.

5. The various alternative placements included in No. 3 above are available to the extent necessary to implement the individualized education program for each handicapped child.

6. Unless a handicapped child's individualized education program requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped;

7. In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs; and

8. In providing or arranging for provision of nonacademic and extracurricular services and activities, each handicapped child participates with nonhandicapped children in those services and activities to the maximum extent appropriate to the needs of that child.

The central concept underlying the least restrictive environment mandate is this: the handicapped student must be placed in the least segregated environment in which an appropriate educational program can still be delivered. The handicapped child's educational environment should not deviate from that made available to nonhandicapped children *except to the extent* that the *individual* educational needs of the child dictate the change. This requires a determination by the placement team of what the maximal level of integration can be for each handicapped child, individually, in view of his or her handicapping condition. As stated in the comment to (34 CFR 300.552), "the overriding rule in this section is that placement decisions must be made on an individual basis."

The least restrictive environment mandate requires a continuum of alternative placements for consideration. As depicted under No. 3 of this part, placement of a handicapped child in the regular classroom on a full-time basis is but one point along the continuum. Thus, least restrictive environment is *not* synonymous with full-time regular classroom instruction (sometimes referred to as "mainstreaming").

Documentation of Least Restrictive Environment

Prior to placement a determination must be made by the placement team regarding the maximal level of integration appropriate for the handicapped child. If the team determines that, as a result of the child's nature or severity of handicap, the child requires removal from the regular educational environment, the team must justify in writing the reason(s) for such removal. Such justification would include *why* education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The use of the State Department of Education Referral for Evaluation form requires a written explanation concerning these aids and services used/proposed or not used/proposed to supplement to instruction in the regular classroom for the handicapped or purported to be handicapped child.

The State Department of Education Individualized Education Program form requires written justification for those children requiring removal from regular classes, including children who require instruction in special education classes on only a part-time basis. The State Department of Education Individualized Education Program form also requires the following to be addressed specifically: participation in physical education, vocational-technical instruction, and nonacademic/extracurricular services and activities, and adaptations in the regular classroom which are or are not required. There is also provision on this form for the team's opinion as to whether the placement represents the least restrictive environment for the child. As the least restrictive environment for each child may change over time, the State Department of Education Annual Review of

Placement/Individualized Education Program form requires written explanation for any changes in placement determined to be appropriate by the individualized education program/placement team, including placement in more restrictive settings.

F. Diplomas/Grading/Transcripts

It is recommended that *diplomas* issued to handicapped students be the same as those issued to nonhandicapped students. To do otherwise may leave the local school district open for a discrimination complaint.

This recommendation is based on the nondiscrimination clause in Section 504 of the 1973 Vocational-Rehabilitation Act and Oklahoma regulations. The intent is that handicapped students are entitled to receive the same considerations as nonhandicapped students. They should, therefore, not be excluded on the basis of their handicap from receiving any benefit for which they are otherwise qualified.

As long as handicapped students have successfully completed all requirements for graduation as outlined by their individualized education program teams or regular classes (following the Oklahoma State Board of Education guidelines for high school graduation), they cannot be denied graduation or given inferior diplomas.

There is one definite rule for *grading* students in all special education categories: There must not be any discrimination in the system of grading. That is, if all students in a school are graded by the A, B, C, etc., plan, special education students will also receive A, B, C, etc. In recording grades on a permanent record, such as a transcript, there must not be any reference to the student's placement in special education.

Public Law 94-142 is based on an "appropriate education." If this mandate is followed, fair grading should be no problem. Some suggestions:

1. Grades should never be given as motivation (A's) or punishment (F's).

2. A student should *earn* the grade. Too easy a program would result in too many A's and too difficult, D's or F's. A program should be planned on the level where the child is functioning but the teacher should always be alert to expand this level upward.

3. Students should not be placed in academic subject classes beyond their ability because of an inflexible school schedule.

Parents must understand grading in special classes. They need to be told where the student is functioning and what is being learned, rather than relying on report card "grades" to understand progress.

The teacher who has the student for a period should give the grade for that time. If the grade will go on one regular report card, the special teacher and regular teacher should confer. If the regular teacher objects to giving a "passing" grade to a student who is not in his/her class, both teachers could sign the report card. Since separate report cards are given on the secondary level, there should be no problem.

A student in special education can get a failing grade. He/she cannot fail because the academic level is too high (that is not an appropriate program) but failing grades may be given because of refusal to do work within capability and poor attendance. However, when failure does appear, consideration should be given to addressing the problem on the individualized education program with the idea of alleviating it.

Transcripts

A student's transcript must not contain any information which is considered to be confidential. This would include any reference to special education placement or categories, special services, test information or reference to handicapping conditions.

G. Discipline

When considering disciplinary measures for special education students, the following should be considered:

- Counseling
- "Time-out" area
- Restriction from participation in school activities
- Staying after school or class
- In-school suspension

1. For suspension of over ten days for the special education student, additional procedures should be followed:

   Schedule an individualized education program team meeting to determine if the student's behavior is the result of the handicapping condition. When the behavior *is* related to the handicapping condition, and a change in program or removal from the current program is recommended, the individualized education program *must* be revised to reflect the change in placement. The school *must* provide an alternative program (i.e., individualized education program revision, home-based, etc.). When the behavior *is not* related to the handicapping condition, the procedures established for regular students should be followed. However, any long-term change in the student's current school program should be recorded in the Individualized Education Program.

2. In an *emergency* situation when the student is endangering themselves or others, the school has the authority to remove the child from school immediately. However, the individualized education program/placement team must convene as soon as possible after an emergency removal to determine further appropriate action. In any event, the local district's disciplinary due process procedures must be followed.

3. Discipline problems that an individualized education program team is able to anticipate may be addressed on an individual basis in the child's Individualized Education Program.

H. Teacher Certification and Salary

The State Board of Education has approved the standards for a five-year standard, a three-year provisional, and a one-year temporary certificate for teachers in special education. The exact requirements to meet these standards are in *Teacher Education, Certification and Assignment Handbook*. If there are any questions concerning this, consult with the Certification Section of the State Department of Education.

To qualify as an instructor of exceptional children, a teacher must hold a valid special education teacher's certificate. Special education teachers of handicapped students must be certified in the disability area of the students they are assigned to teach. If a teacher is working with children in different categories, the teacher must have a certificate in each category. (Example: If a teacher is teaching mentally retarded half a day and learning disabilities the other periods, he/she must have certificates in both these categories.)

Special education teachers assigned to teach multihandicapped students must be certified in at least two disability areas.

Special education teachers are qualified to teach, in their areas of certification, *all eligible school age* handicapped students. Certification is for N-12: nursery through twelfth grade.

Special education teachers may give credit for the subject taught. (Example: On the secondary level, a student may receive credit in English, math, etc., if the special teacher is responsible for these subjects.) Special teachers should cover material, as appropriate, in the assigned subject area since students have the right to obtain *knowledge* on the level they function. A *broad curriculum* can be developed for all handicapped students.

Salary

State law provides that the teacher of special education shall be paid a minimum of five percent above the prevailing wage paid teachers of normal children in the same school district.

I. Confidentiality Procedures

The implementation of the Education for All Handicapped Children's Act requires the collection, storage, disclosure, and destruction of personally identifiable information. The local agency shall protect the confidentiality of all personally identifiable information as set forth in local agency policy. Each agency shall develop a policy in accordance with all federal regulations and state statutes or policies regarding educational records including Education for All Handicapped Children's Act, the Family Education Rights and Privacy Act of 1974, Education Division General Administrative Regulations, Oklahoma Statutes, and the Oklahoma State Plan for the Education of the Handicapped. The local agency shall make this policy available to the public annually.

One person in each local agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information. Persons collecting or using personally identifiable information shall be trained by the local agency annually in confidentiality policies and procedures.

Regardless of the location for delivery of services, (in-district, cooperative, out-of-district, public or private institution, etc.) the local education agency shall maintain confidential records for all residents receiving special education.

All confidential records for handicapped students will be kept in a separate folder and not in the child's regular school cumulative folder. These records will be kept in a secure, locked area.

Each local education agency/public agency shall provide parents on request a list of the types and locations of education records collected and maintained by the local education agency. Confidentiality procedures are to be posted around each school building at strategic locations.

The following documents should be considered pertinent to the confidential file for each handicapped child:

1. Confidential Record Signature Sheet
2. Referral for Evaluation
3. Parent Permission Form (signed)
4. Evaluation Report/Testing Results
5. Learning Disabilities Team Summary
6. Notification of Meeting
7. Record of Parent Contacts
8. Categorical Eligibility Statement
9. Current Individualized Education Program (with all signatures)
10. Review of Placement/Other Information as needed, such as adaptive behavior information, medical records, speech or language evaluation, auditory evaluation, eye report, etc.
11. Confidentiality Procedures
12. Release of Information

To facilitate the updating process, individual files should have information arranged in chronological order, with the current or most recent individualized education program and other documents at the front of the folder.

Documentation of all actions, protests, challenges and recommendations by the parents/guardians for eligibility, individualized education program or annual review purposes must be documented and included in the confidential file. Documentation must include date, nature of contact, and reason why parents/guardians were unable or unwilling to attend meetings.

Record Access--Parents have the right to inspect and review any education records relating to their child. The local education agency will respond to a request without unnecessary delay and in no case longer than 45 days after the request is made. If the record contains information on more than one child, parents shall have access only to the information about their child. Access rights include:

1. The right to a response to reasonable requests for explanation and interpretation of the records;

2. The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parents from exercising the right to inspect and review the records. (A minimal fee for copies of the records which are made for parents may be charged if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. A fee to search for or retrieve information may not be charged.)

3. The right to have a representative of the parents inspect and review the records.

4. Each agency shall maintain, for public inspection, a current listing of the names and positions of those employees who may have access to confidential information. The following persons have access to the records:

   Special education teacher
   Regular teacher
   Administrator and designated administrative personnel
   Counselor (including vocational rehabilitation)
   State Department of Education personnel

Vocational-technical education personnel
Parents/guardian
Student (if appropriate and 18 years old)
Related service providers
Paraprofessionals
Student teachers
School Nurses
Social Workers

Anyone not on the agency's current listing must have parental permission to access confidential records. A form must be kept in each handicapped student's folder to record who accessed the records, on what date, and the purpose.

An agency may presume that the parent has the authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority as a result of a court order in such matters as guardianship, separation, and divorce.

Parents may request amendment of records. A parent who believes that the educational information/records collected, maintained, or used are inaccurate, misleading, or violate the privacy or other rights of the child may request the school district to amend the records. The local education agency shall decide whether to amend the information within a reasonable period of time after receipt of the request (45 days).

If the local education agency decides to refuse to amend the information, it shall inform the parent of the refusal and advise the parent of the right to a hearing. On request, the local education agency has a responsibility to provide an opportunity for a hearing to challenge information in educational records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. A hearing challenging information in educational records shall be conducted according to procedures stated in the Family Educational Rights and Privacy Act (34 CFR 99.22).

If, as a result of the hearing, the local education agency decides that the information is inaccurate, misleading, otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parents in writing.

If, as a result of the hearing, the local education agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the local education agency.

Any explanation placed in the records of a child shall be maintained by the local education agency as part of the records as long as the record or contested portion is maintained by the local education agency. If the records of the child or the contested portion are disclosed by the local education agency to any party, the explanation must also be disclosed to that party.

The disclosure or transfer of confidential records used to provide special education shall be made according to local education agency policy. The local education agency policy should include the method of transfer of records to another local education agency and circumstances which require written parental permission before disclosure or transfer.

The release of confidential student information will be in accordance with the following guidelines:

1. Each local education agency will define directory information. Directory information may be released WITHOUT written parent permission. Parents will be sent a written notice that the records have been released and to whom. Directory information may include:

    a. Basic identifying information

        (1) Name and sex
        (2) Birthdate and birthplace
        (3) Home address and telephone number
        (4) Parent or guardian name, address, and telephone number
        (5) Names and dates of school attendance, location, and principal's name
        (6) Current health information, e.g., allergies, diseases, immunizations

    b. Functioning or performance information

        (1) Results of *group* standardized achievement tests
        (2) Results of *group* standardized intelligence and aptitude tests
        (3) Academic information

2. Information that REQUIRES written parent permission before release includes:

    a. Individual evaluations

        (1) All specialized records of professionals who have screened, assessed and/or evaluated the students, i.e., psychologist, psychometrist, social worker, diagnostician, physician's medical assessment, or any individual evaluation as it pertains to placement in a school program

        (2) Specialized reports from outside agencies or specialists, i.e., private schools, social service agencies, vocational rehabilitation, hospitals

    b. Anecdotal records

    c. Test results, prescriptive learning plans, and eligibility information from a regional education service center to a school district other than the school district where the child was evaluated

All confidential records will be maintained for at least five years from the time they are generated.

After five years and subsequent determination that the records are no longer needed they may be destroyed. Parents must be notified 60 days before destruction and will be offered the opportunity to obtain the documents.

All parental rights regarding educational records pass to the child upon reaching the age of majority (age 18) or when attending an institution of post secondary education unless a specific statute or court order directs otherwise.

The State Department of Education may maintain, give access and/or release personally identifiable data to other agencies in order to facilitate monitoring placements, provisions of services for children in need of special assistance or prolonged assistance, and to enforce legal requirements. Should a participating agency need to disclose personally identifiable data other than for the purpose of which the data has been collected, the agency shall first obtain informed parent consent.

J. Step-by-Step Service Delivery Procedures

Step 1--SCREENING (all students) conducted by the local education agency, regional education service center, or other agencies.

Step II--REFERRAL (children with suspected special needs) initiated by school, a parent, or other agencies.

Step III--EVALUATION (by multidisciplinary team) Written parental consent is required *before* the student is evaluated. Parents must be given a written statement of their rights.

Step IV--CATEGORICAL ELIGIBILITY/STATEMENT Timeline: Within 15 calendar days of receipt of evaluation results, a team must determine categorical eligibility. Team composition: parent, administrator or administrative representative, the regular teacher, special teacher, and others as appropriate.

A special eligibility team is required for learning disabilities.

Step V--INDIVIDUALIZED EDUCATION PROGRAM/PLACEMENT TEAM (a team decision) Timeline: Within 30 calendar days of declared categorical eligibility. An individualized education program must be written before physical placement of student is made and services begin because the individualized education program lists the type of program, amount of time in the program, related services, and other required information.

If the categorical eligibility team declares a child to be eligible for special education, parental consent must be obtained before initial placement occurs. If parental consent to this placement is refused, the school/public agency must request a due process hearing to determine if the child may be initially provided special education without parental consent. Any changes in a child's special education program, after the initial placement, are subject to the prior notice and individualized education program requirements. These changes may be made without parental consent *if the above requirements are met.* Every reasonable effort should be made to involve parents in this decision making. The forms located in the appendix of this manual may be used to document efforts to: contact parents, notify parents of meetings to discuss their child's educational program and any changes that may be appropriate, and provide opportunities for parent participation. Written notice must be given to the parents of a handicapped child a reasonable time before a school/public agency proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education for the child.

The individualized education program/placement team meeting is the responsibility of the home district. A child cannot be sent to a co-op, vocational-technical school, state school, private school, or another district until this has been completed. The sending district (home) is responsible for writing the individualized education program, but the receiving school shall have a representative on this team. All blanks on the individualized education program are to be completely filled out.

Step VI--REVIEW OF INDIVIDUALIZED EDUCATION PROGRAM/PLACEMENT Timeline: At least annually; however, it may be written into the individualized education program that the review will be conducted more often as needed.

The review is done by a team (including parent) and a new individualized education program is to be written during the annual review meeting. For those students in their junior/senior year the annual review team should include a vocational rehabilitation counselor and others as appropriate for the transitional planning of the individualized education program and individualized work rehabilitation plan.

Step VII--Repeat of Steps III, IV, V, VI (see above) All handicapped children must be evaluated at least every three years. This may be done more often if needed. Need will be determined on the individual child's progress or lack of progress. Parental *written* permission is required for each evaluation.

K. Evaluation

1. After screening and referral, each handicapped or purported to be handicapped child will be individually evaluated to determine eligibility for special services.

   a. Parent permission for testing

   When there is reason to believe that a child is in need of special education services and such a child becomes the subject of individual evaluation procedures (formal testing, informal assessment), then *advanced written permission* for such procedures to be used shall be obtained from the parents. The notice requesting permission for such testing shall contain the following:

   The reason the evaluation has been requested and the name of the person who initiated the process;

   A statement of the right to refuse to permit the evaluation, with the understanding that the local education agency can request a hearing to present its reasons and try to obtain permission for the evaluation; and

   A declaration that the child's educational status will not be changed without the knowledge and written approval of the parent, or until the notice and due process procedures have been exhausted.

   b. Parents refusal

   If the parents refuse to give permission for an evaluation, the local education agency should attempt to seek resolution through an individual conference(s). If the parents continue to refuse consent for the proposed evaluation, the school/public agency must request a due process hearing to obtain a decision to allow the evaluation without parental consent. The parent must be notified of this action and the parent is entitled to all due process hearing rights.

   c. Comprehensive assessment

   The assessment of a child suspected of having a handicapping condition will be conducted by a multidisciplinary team. The individual evaluation will be conducted by a person qualified to administer and interpret a range of individual diagnostic instruments each of which is designed to confirm the nature and degree of disability. In order to provide a comprehensive view of the child from the perspective of the school, home, and community, the following information must be obtained and considered in the placement decision:

School information. Information from the school will include, but not be limited to, an assessment of the following areas:

(1) Educational functioning: An assessment will be made of the child's educational functioning in relation to the academic program of the school; and the results of this assessment shall be expressed in terms of both the child's strengths and weaknesses. The assessment should be comprehensive, using a full range of instrumentation and observations, including diagnostic tests and other appropriate and informal measurements. Whenever intelligence tests are administered, the I.Q. score, shall not be used as the sole criterion in making inferences about the child's level of intelligence or learning potential. The full test (including protocols, content, subtests, etc.), will be interpreted by the qualified examiner who administered the test.

(2) Psychomotor and sensory development: An assessment also will be made of the child's psychomotor and sensory development, including audiological and ophthalmological or optometric examination if deemed necessary. For deaf/hard-of-hearing children, age of onset and cause will be checked.

(3) Adaptive behavior: An assessment also will be made of the child's adaptive behavior in the school setting based on observations and records, and where appropriate, the use of adaptive behavior scales. Information from the home will include as appropriate: (1) the child's adaptive behavior in the home, community, and neighborhood, as perceived by his parents or guardians or principal caretakers, (2) the sociocultural background of the family, (3) the child's health and development history, and (4) language spoken in the home.

Home Information. Information from the home will include:

a. The child's adaptive behiavor in the home, community, and nieghborhood, as preceived by his parents, guardians, or principal caretakers.

b. The sociocultural background of the family.

c. The child's health and developmental history.

d. Modification of Procedures for Children with Linguistic or Cultural Differences

No assessment will be attempted when a child is unable to respond to the tasks or behavior required by a test because of linguistic or cultural differences unless culturally and linguistically appropriate measures are administered by qualified persons. In those cases in which appropriate measures and/or qualified persons are not available, diagnostic-prescriptive education programs will be used until the child has acquired sufficient familiarity with the language and culture of the school before a formal assessment is conducted.

Persons interpreting assessment information and making educational decisions will be qualified to administer the various measures and qualified to take cultural differences into account in interpreting the meaning of data from the home and the school.

e. Specific qualifications

Standardized test data should be a part of evaluation information used in making placement recommendations. School achievement, general adaptive behavior and environmental information should also be included in the individual's record folder.

Individuals qualified to administer tests for possible placement in classes or programs for the *mentally handicapped* and for children with *learning disabilities* are:

(1) Psychiatrists
(2) Licensed psychologists
(3) Certified school psychologists
(4) Certified school psychometrists
(5) State merit board qualified examiners

For possible placement in classes or programs for the *emotionally disturbed*:

(1) Psychiatrists
(2) Licensed psychologists
(3) Certified school psychologists
(5) State merit board qualified psychologists

For possible placement in a class or program for the *blind or partially sighted*:

(1) Opthamologists
(2) Optometrists

For possible placement in a class or program for the *physically handicapped*:

(1) Medical doctors
(2) Osteopaths

For possible placement in a class or program for the *speech or language impaired*:

(1) Audiologists
(2) Certified speech language pathologists
(3) State merit board qualified speech language pathologists

For possible placement in a class for the *hearing impaired*:

(1) Audiologists
(2) Medical doctors

In case of a child whose primary home language is other than English, the following conditions must be met:

(1) Examiner is fluent in the primary language of the home; or

(2) There is available to the examiner, an interpreter fluent in the primary language of the home; and

(3) Tests used must contain sufficient nonverbal material to enable a valid, reliable decision to be made as to the individual's probable level of educational functioning.

Learning Disabilities--Eligibility Team

The learning disabilities eligibility team will consist of a regular teacher, learning disabilities teacher, and a person knowledgeable in the tests procedures and results. They will meet as a team, evaluate the information gathered concerning the student and complete the learning disabilities eligibility form. This team can then become the Individualized Education Program team by adding an administrative representative and the parent. The LD eligibility team must be careful to address exclusionary factors in the federal definition of learning disabilities. This process is to be used for all new referrals and each reevaluation (at least every three years).

At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting. In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age. Although a summary of the observation is indicated on the learning disabilities eligibility team summary, documentation of actual observation will be needed.

Suggested forms to be used by the three-member learning disabilities eligibility team and the full team (learning disabilities team plus administrator and parent), are located on Form 8 of this manual.

L. Categorical Eligibility Statement

A team must meet to determine the appropriate category for a handicapped or suspected to be handicapped child. The team will consist of the parent, a special and regular teacher, and someone representing the administration of the school. All evaluation material available will be reviewed before the team declares the child eligible for placement in the appropriate category. Before a team proceeds/confers eligibility the team must determine that the evaluation results are thorough. If additional evaluation is needed the team should obtain before determining eligibility.

The category considered to be appropriate for the child's handicapping condition must be listed on the appropriate form. Written notice must be given to the parent before the school or public agency proposes or refuses to categorize the child. The parent must be given the opportunity to participate as a member of this team. Signatures of all team members in agreement with the category must be present on this form. The school/public agency or parent may request a due process hearing concerning the proposal or refusal to initiate or change the categorization of the child.

If the child is *not eligible* for special education placement, the team must so indicate, and provide the regular classroom teacher appropriate instructional ideas in writing at the bottom of the form and sign.

The eligibility team for learning disabilities does not include the parent or administrator, but must include someone capable of interpreting diagnostic tests. There must, also, be a report of an observation included in the evaluation material.

The categorical eligibility team must meet and declare whether a child is eligible or not within 15 calendar days of receipt of evaluation results.

It is possible and often practical for the categorical eligibility team to write the individualized education program at the same meeting. In case of learning disabilities, the parent and administrator would need to join the team to write the individualized education program.

Removal from Special Education Program

A handicapped child *cannot* be removed from a special program until the proper steps are followed:

1. Reevaluation. This may be a complete battery of tests or some documentation that the child's status has changed.

2. Categorical Eligibility Team Meeting. This is necessary to change the category or to take the child out of a category.

PROGRAMS OR CLASSES

CLASS TYPE	EVALUATION	ELIGIBILITY STANDARDS*	SELF-CONTAINED MAXIMUM CLASS SIZE **	AGE***
Blind and Visually Impaired	Opthalmological Educational	20/70 vision or less or visual impairment which even the best correction adversely affects performance in a regular class	10	0-21
Deaf-Blind	Audiological Opthalmological Educational	Functional impairment in both hearing and vision so severe that they cannot be served in classes solely for deaf or blind	10	0-21
Deaf/Hard-of-Hearing	Individual Audiological Educational	40 minimum decibel loss or hearing impairment which even with best correction adversely affects performance in a regular class	15	0-21
Multihandicapped	Psychological Developmental Educational Medical	Two or more impairments so severe that they cannot be served in programs solely for one of the impairments	10	0-21
Mentally Retarded	Psychological Educational Developmental Adaptive Behavior	Deficits in I.Q. and adaptive behavior functioning		
Educable		I.Q. 50-75	15	4-21
Trainable		I.Q. 30-50	10	0-21
Orthopedically Impaired (Physically Handicapped)	Medical Psychological Educational	Physically handicapped to the extent of needing special education	15	0-21

* Following the law, all eligibility placement will be done by a team. Individual needs and appropriateness must be considered.

** Class size is based on a full-time special teacher. Less than full-time, the class size will be prorated. Example: a half-time lab teacher could serve 13 students. NOTE: See page 8 for laboratory or resource room sizes.

*** Severely handicapped children may begin receiving special education services at birth. These children are operationally defined as those functioning 50% or more below normal expectancy for their age.

PROGRAMS OR CLASSES

CLASS TYPE	EVALUATION	ELIGIBILITY STANDARDS*	SELF-CONTAINED MAXIMUM CLASS SIZE **	AGE***
Other Health Impaired	Medical Educational	Chronic or acute health problems which adversely affect child's educational performance	10	0-21
Seriously Emotionally Disturbed	Psychological--by psychologist or psychiatrist Educational	Emotional problems affecting performance in regular class	10	4-21
Learning Disabilities	Educational Psychological Classroom Observation Multidisciplinary team *Eligibility Regulations--See Form 5	Severe discrepancy between achievement and intellectual ability which is not correctable without special education and related services	10	4-21
Speech	Screening/ Individual diagnosis and assessment	Indication of disorder, deviation or general developmental delay in communication skills	Maximum case load of 75 For laboratory case load information see page 8.	0-21
OR				
Language Impaired	Screening/ Individual diagnosis and assessment	Receptive and expressive disorders, auditory perceptual difficulties		0-21
Homebound	Physician's Statement	Illness	3 one-hour periods per week	5-21
	Physician's Statement	Pregnant girls		
Itinerant Teacher Direct Services Homebased	Psychological Educational Developmental Medical	Needs of individual handicapped child	Maximum case load of 25	0-21
Indirect Services			Maximum case load of 40	0-21

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* Following the law, all eligibility placement will be done by a team. Individual needs and appropriateness must be considered.

** Class size is based on a full-time special teacher. Less than full-time, the class size will be prorated. Example: a half-time lab teacher could serve 13 students. NOTE: See page 8 for laboratory or resource room sizes.

*** Severely handicapped children may begin receiving special education services at birth. These children are operationally defined as those functioning 50% or more below normal expectancy for their age.

M. Individualized Education Program

A child may not be placed in a special education program until an individualized education program has been written.

The individualized education program has two main parts:

Part I

The individualized education program team meeting: Parents and school personnel *jointly make decisions* about a handicapped child's program, and

Part II

The individualized education program document: *a record of the decisions* reached at the meeting.

The individualized education program team meeting and program have the following purposes:

1. To provide for parental involvement in educational decisions.
2. To protect the rights of parents, children, and districts.
3. To ensure that each handicapped child is provided special education and related services appropriate to his/her special learning needs.
4. To ensure accurate and timely communication between all participating parties to: identify the child's strengths, educational deficits, special services to be provided, the anticipated outcomes, and procedures for evaluating child progress.
5. To include transitional planning to span the gap between school and independent living status.

The school may hold an informal meeting of professionals prior to the eligibility team meeting for the purpose of reviewing information. The local education agency must establish a formal multidisciplinary team (which shall declare a student eligible or not) within 15 calendar days after receiving all appropriate student evaluation data. Psychological, social, adaptive behavior, medical, academic, and other information may be used by the team to determine categorical eligibility and develop an appropriate individualized program for the child. The purpose of the eligibility meeting is to explain to the parents the results of the evaluation data and decide if the child is eligible for special education. In the case of learning disabilities, the team must complete both the Learning Disabilities Eligibility Team Summary and the Categorical Eligibility Statement.

An individualized education program must be written, in a team meeting, before a child is placed in a program and special education and related services are initiated. The individualized education program team is composed of the child's parent, an administrator, or administrative representative, the regular teacher, the special teacher, the child, and others as appropriate.

If the team determines that the child is ineligible for special education, appropriate recommendations are written for the regular classroom program.

If the local education agency does not have an appropriate program for the child, the local education agency has up to 30 calendar days from the date the child is declared eligible for service to write an individualized education program, locate an appropriate program, secure a transfer, arrange transportation and initiate services for that child.

When a local education agency proposes the placement of a child in a program located in another district or agency, the home district is responsible for conducting the initial individualized education program meeting. The individualized education program must be developed before the child is placed in the other district or agency since it describes the special education and related services to be provided. (A representative of the receiving school or agency should be present when the individualized education program is written.)

> Note: Once a child enters a program that is in another district or agency, any meeting to review and revise the child's individualized education program could be conducted by either the local education agency or the other district or agency. However, both districts should be represented and the home district remains responsible for monitoring the program to see that appropriate educational services are provided.

The evaluation member on the team ideally, should be the one who conducted the evaluation. This person should be present to interpret the test results for the team which includes the parents. Practically, it may be a person already on the team who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation.

The administrative representative could be either a teacher, principal, supervisor, or other administrator providing the person serving in that capacity has the authority of the chief school officer and the local board of education, to commit district resources and services. The resources and services agreed upon at the individualized education program meeting shall be provided and may not be vetoed at a higher administrative level.

> Note: It is suggested that in the case of a severe disability where unusual expense is anticipated, the chief school officer should participate in person.

While it is necessary to ensure that all direct services personnel who work with a handicapped child are informed about and involved in implementing the child's Individualized Education Program, this does not mean that they must all attend the individualized education program meeting.

All appropriate services such as speech and language, physical therapy, occupational therapy, adaptive physical education and transportation should be addressed on *one individualized education program*. There will not be a separate individualized education program for any related service.

Each school/public agency shall document steps taken to afford parents the opportunity to participate in team meetings. The forms suggested in the appendix of this manual may be used to document efforts to contact parents and to provide written notice to parents prior to the discussion of any changes in a child's educational program that may be proposed in a team meeting.

If neither parent can attend a team meeting the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls. Records of such efforts must be maintained. A meeting may be conducted without a parent in attendance if the public agency can *document* it has been unable (using reasonable efforts) to convince the parents that they should attend.

For initial placement, written parental consent must be obtained before placement of a handicapped child in a special education program. It would not be inappropriate for an agency staff to come prepared with the evaluation findings, and, in some cases, with recommendations regarding the kinds of special education and related services to be provided. However, the agency must make it clear to the parents from the outset of the meeting that the services proposed by the agency are only recommendations for review and discussion with the parents.

After an individualized education program has been developed by a team and is being implemented, significant changes in the amount of services listed in the individualized education program cannot be made without providing the parents with the opportunity of attending an individualized education program team meeting to discuss these changes with *prior written notice* of these changes provided to the parents. However, as long as there is no change in the overall amount, some adjustments in scheduling the services should be possible (based on the professional judgment of the service provider) without holding another individualized education program meeting. For example, if a service is changed from two half-hour sessions per week to three twenty minute sessions, this generally would not require another Individualized Education Program meeting.

When a handicapped child is placed in the regular classroom and adjustment must be made to accommodate for the child's disability, these adjustments must be included in the individualized education program.

If a handicapped child is being served *totally* within the regular class with an individualized education program and the child is to be counted as served (for federal and state funding), there must be a consultant or "back-up" person certified in the category of the child's disability. This person will (1) serve on the following teams: categorical eligibility, individualized education program and annual review; and (2) act as a consultant and provide special teaching materials to the regular teacher.

The individualized education program must be reviewed at least annually (more frequently if needed) by a team consisting of the parents, administrator, or administrative representative, regular teacher, special teacher, the child, and others when appropriate.

For those students in their junior/senior year the annual review team should include a vocational rehabilitation counselor and others as appropriate for the transitional planning of the individualized education program and individualized written rehabilitation plan.

A special education child must be reevaluated every three years. The purpose of the reevaluation is to gather evaluation information that will enable the team to determine if the child's categorical eligibility and placement is appropriate. A new categorical eligibility statement must be executed by the team every three years.

Under certain circumstances constituting an emergency, a child may be placed in a program pending receipt of necessary records or as part of the evaluation process to aid in determining the appropriate placement. When such placement is made, it must be made with the following:

1. An individualized education program must be developed for the child, which sets out the specific conditions and timelines for the placement.

2. Parental consent must be obtained before initial placement and the parents must be given opportunity to participate in the development, review, and any needed revision of the child's individualized education program.

3. A specific timeline must be set for completing the evaluation and making judgments about the most appropriate placement for the child. (Note: These activities *must* be completed within a 30 calendar day time-period.)

4. At the end of this placement, a meeting must be conducted to review and finalize the child's individualized education program.

If a handicapped child has been receiving special education services in one school district and moves to another school district, the new local education agency must hold an individualized education program meeting. Documentation of the meeting and the individualized education program acceptance/revision shall be required.

At the meeting, the parents and school personnel would: (1) review the child's former placement and school records, and (2) revise the child's individualized education program, where necessary. (Note: If the child's previous individualized education program is not available, a new individualized education program would have to be developed.) The meeting should take place within one week after the parents enroll the child in the new school; and the child must be placed in a special education program immediately after the individualized education program is written.

Computerized Individualized Education Program

There is no required format for the computerized individualized education program; however, the required information on regular individualized education program must be included on the form. Note: Besides indicating parent present, some statement should be made concerning parent participation (example: Were you (parent) encouraged to participate in the development of this individualized education program?) Leave space after each area of short term instructional objectives in order that additions might be made during the team meeting.

It is permissible to take a computerized individualized education program printout into the team meeting provided it contains the above listed content. Individualized education program team members must be allowed the opportunity to make additions and deletions to the prepared printout. This ensures the development of an individualized education program in compliance with federal regulations and state policies.

The printout or draft, with additions or deletions noting the team action, may become the finalized individualized education program which documents team action. As the finalized individualized education program, the signature of the team participants would appear on the draft.

A draft prepared prior to the individualized education program team meeting may be in the form of a computer printout, typewritten or prewritten. Any draft may become a formalized document as long as team participation is assured and dated signatures appear on the draft. Note: Required team members must meet to develop the individualized education program at the same time and place.

N. Related Services

1. The term "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to *benefit from special education*, and includes:

   a. Speech/language pathology and audiology
   b. Psychological services
   c. Physical and occupational therapy
   d. Recreation/therapeutic
   e. Early identification and assessment of disabilities in children
   f. Counseling services
   g. Medical services for diagnostic or evaluation purposes
   h. School health services
   i. Social work services in schools
   j. Parent counseling and training

2. All related services as needed by the child must be included on the individualized education program. This should include the amount of time the child will receive the services, the responsible service provider and length of service.

3. It is the responsibility of the district where the child resides to provide transportation. The local school district is responsible for the special education child from the time the student is loaded at the "home curb" until returned and unloaded at the "home curb." The parent or their designee is responsible for "door-to-curb," "curb-to door," and "street crossing" of the child to the designated loading and unloading point.

   Based upon mutual agreement between two participating school districts, a school district offering special education classes may extend its transportation program to include the transportation of students qualifying for special education in an adjacent school district which does not offer special education classes.

   The local school district may provide this service directly or contract with parents (or someone other than the school) to furnish transportation. The exact miles driven and exact cost per mile to be paid by the school should be *written in the individualized education program*. This would be by agreement of the school and the party who does the driving. Since Public Law 94-142 provides that services should be at no cost to the parents, equitable arrangement must be made.

   For the home district to be liable for transportation to and from a residential school, the home school must be involved with the planning. Transportation is a related service and must be included as a part of the individualized education program. The parent and the home school, by signing the individualized education program, agree on the transportation to be furnished at no cost to the parent. Note: A new individualized education program must be written each year with related services listed.

4. Special education paraprofessionals

   a. Legal Authority and Definition

      The *Administrators' Handbook for Elementary, Middle, Junior High and High Schools* states:

> "The State Board of Education, pursuant to (70-13-105), deems it necessary to authorize the use of a trained paraprofessional in the teaching of *handicapped children categorized multihandicapped and deaf-blind.*"
>
> "The State Board of Education defines a trained paraprofessional as a person listed on the paraprofessional register maintained in the Special Education Section of the State Department of Education. These persons will have completed paraprofessional training administered by the State Department of Education. Unless prohibited by statute, the trained paraprofessional may conduct activities of the components of the individualized education program of multiple -handicapped or deaf-blind children. The trained paraprofessional will conduct these activities under the direction of a certified special education teacher."

The special education paraprofessional works alongside the special education teacher. With differentiated responsibilities, the paraprofessional carries out the program developed by the special education teacher for the multihandicapped or deaf-blind children.

The definition of special education paraprofessionals does not include those individuals who are referred to as classroom teacher aides inthe Administrators' Handbook.

b. Duties and Responsibilities

It is essential for the multihandicapped certified teacher to recognize the skill level possessed by the paraprofessional entering the multihandicapped or deaf-blind setting. The paraprofessional will need specific direction in performing activities typically found in the multihandicapped or deaf-blind classroom including self-help skills, communication skills, cognitive skills, preacademics/academics, motor programming such as positioning and handling, behavior management, vocational skills, and daily living skills. The paraprofessional will also need guidance in the use and maintenance of classroom equipment and any adaptive equipment utilized by individual handicapped students. Hygiene is of utmost importance in mentally handicapped and deaf-blind classroom maintenance.

Corporal punishment should be administered by certified personnel only, unless stated otherwise in the individualized education program.

c. Administrative Procedures

No more than three paraprofessionals, whether full-time or part-time, shall be assigned to a multihandicapped certified teacher. No paraprofessional shall be assigned to more than two multihandicapped certified teachers or educational facilities. Paraprofessionals may work with individual students, small groups, or the total classroom. The student-teacher ratio for mentally handicapped, deaf-blind classrooms will remain the same.

Paraprofessionals may work with or supervise students in the classroom, playground, hall, restroom, therapy area, gymnasium, other specified areas on a school campus, community-based activities, and transportation situations. In some situations the paraprofessional may conduct this supervision without the multihandicapped certified teacher being present. When supervising students without the multihandicapped certified teacher being present, the paraprofessional should have designated certified personnel to report to for directions and consultation.

d. Training

A register of trained paraprofessionals will be maintained by the State Department of Education, Special Education Section. To qualify for this register, a person must satisfactorily complete an initial 20 hours of training conducted by the State Department of Education. Following satisfactory completion of the initial training, a paraprofessional will complete an additional six hours of training each school year. This annual training could be coordinated as part of the school's staff development plan and supported through comprehensive system of personnel developement. The local education agency making application for reimbursement of a paraprofessional's salary will be responsible for submitting a training proposal with the Education for All Handicapped Children's Act-B discretionary application. The six hours annual training provided the paraprofessional will be specific to the multihandicapped, deaf-blind program to which the paraprofessional is assigned.

O. Surrogate Parents

1. Parent involvement is an important provision of the federal regulations for education of handicapped children. The term "parents" is defined to include a child's natural parents, guardians, relatives, or stepparents with whom a child lives, or surrogate parents appointed in accordance with state and federal requirements. The term "parents" does not include the state or employees of public agencies (e.g., social workers or directors of agencies) if the child is a ward of the court.

2. When no parent can be identified, the whereabouts of the parents cannot be discovered after reasonable efforts, or the child is a ward of the court, the local education agency or public agency providing educational services shall ensure that the rights of the handicapped child are protected by assignment of a surrogate parent.

3. Upon determining a handicapped child's need for a surrogate parent, the school district or public agency providing educational services must assign a surrogate parent. A record of surrogate parents assigned to individual handicapped children shall be maintained by the school district or public agency providing educational services. This record shall be maintained in a confidential manner.

4. Criteria for selection of surrogates include that the persons selected must:

    a. Have no interest that conflicts with the interests of the child he or she represents;

    b. Have knowledge and skills that ensure adequate representation of the child;

    c. Not be an employee of the public agency which is involved in the education or care of the child.

5. To ensure knowledge and skills, the training of surrogate parents should include:

    a. Information regarding state and federal requirements for education of handicapped children;

    b. Parents rights and responsibilities;

    c. Procedural safeguards and due process;

d. Step-by-step process for delivery of special education services;

e. Structures, procedures, or forms of the public agency to document procedural safeguards;

f. Information about the nature of the child's disability and needs;

g. Other information deemed necessary by the public agency or surrogate parent.

6. Training of surrogate parents may be conducted by the school districts or responsible public agencies. When surrogate parents receive training from another agency, written notice of completion of training should be provided and *verified* by the educational agency. The State Department of Education and regional education service centers provide additional information or materials for surrogate parent training as needed.

7. Surrogate parents have rights and responsibility to represent the handicapped child in all matters relating to:

   a. Identification, evaluation, and educational placement of the child, and;
   b. Provision of a free appropriate public education for the child.

8. Foster parents of children who are wards of the court, may be trained and assigned as surrogate parents. The school district or public agency must officially assign foster parents as surrogate parents for handicapped children. If the foster parent chooses not to act as the surrogate parent, another trained surrogate parent will be provided by the school district or public agency.

9. The educational agency must ensure that surrogate parents perform their responsibilities, remain free from conflict of interest, and take no actions that might be harmful to the child. If an assigned surrogate parent fails to perform the necessary duties or no longer meets the selection criteria, the agency may seek resignation or removal of assignment as surrogate parent. Disagreements about surrogate parent assignments may be subject to due process hearing procedures, if necessary.

10. Oklahoma law provides that a person is no longer considered a "minor" or a "child" after the age of 18 years, upon marriage, or emancipation. These students may legally give consent in educational matters, but surrogate parents might be assigned, with their agreement, to assist in representing their rights as handicapped students. In circumstances where the student is so severely handicapped as to be unable to give consent, courts can appoint parents as guardians to act on behalf of the student.

IV. SPECIAL SERVICES

Procedures for placing a child on a special services program: A child must be a resident of the school district requesting special services or be legally transferred to the district. Each case has to be considered separately and upon its own merits.

A. Homebound

The program provides the opportunity for children to enjoy achievement in the academic subjects of our public schools and advance in their efforts to obtain an education at their rate of development, when they are unable to attend public school because of illness.

1. Eligibility: A child is eligible for homebound services who, because of illness, will be absent from a school a minimum of two weeks.

   When a child is ill and unable to attend any school in his district, the superintendent of any independent school, with the approval of his school board, or a county superintendent of dependent schools with the approval of the local board, may provide a homebound teacher for the child in his home or hospital. A child taught in his home by a visiting teacher or by school-to-home telephone system must be a resident of the district or legally transferred.

   If the child's education has been interrupted because of illness the State Board of Education may grant permission for him to remain on the program an additional year for each year that his education was interrupted, or until the student reaches his 26th birthday, providing that his progress in his school work is satisfactory and the extension of time is necessary for the completion of the 12 grades.

   A child who is absent from school occasionally or because of some minor illness and is not in any danger of having to repeat a grade, should not be considered an eligible candidate for the homebound teaching program. This child should be encouraged by his teacher to keep up with the class assignments.

   Before a child is placed on the homebound program, the superintendent must complete and return the proper forms to the Special Education Section.

2. Class size. One homebound child who is provided instruction one hour per day, three days per week is considered a unit or class of homebound teaching.

3. Attendance of homebound children in the regular classroom

   A child receiving instruction by a teacher on the homebound teaching program must be enrolled as a student in the school providing this special service. When a child is taught by a visiting teacher for one hour per day for three days per week, the child shall be counted as having attended school five days per week, and his attendance shall be so entered in the school register.

4. Homebound for pregnant girls. The purpose of any homebound instruction is essentially emergency in nature and should be used only when other approaches cannot be used. The limited instruction time and the lack of social interaction are vital factors to be considered and present programs providing for group activities should not be discontinued.

   Eligibility for reimbursement under this section of the law will depend on local districts meeting the following regulations:

   a. The girl must be a current enrollee of the district whose intent is to complete her high school education.

   b. Homebound instruction should be terminated six weeks after delivery.

   School systems with ten or more eligible girls are encouraged to provide in-school programs of at least three hours per day. Reimbursement for this type of program shall be at the same rate as regular homebound instruction.

B. Transportation to Special Education Classes

Reimbursement--The school district may be reimbursed at six cents per mile for public school buses, not to exceed $450 per child per year. If a private carrier is used, the district may be reimbursed at a rate not to exceed the state rate per mile to and from school, not to exceed $900 per child per year. When more than one child is transported in the same vehicle, an additional charge of not more than half the state rate per mile per additional pupil may be made. (Reimbursement will only be made for one round trip per day.)

C. Transportation to Regular Class

When a physically handicapped child is unable to attend any school or class in the district of which he is a resident, the board of education of said district, with the approval of the state Special Education Section, is authorized to make provisions for transportation of such a child to attend the regular school in the district where he is *authorized to attend.*

D. Therapists

Physical and occupational therapists must be employed on a *full-time basis*, exclusively by applicant, for the specified school year. *No reimbursement will be made on a part-time or contracted basis.* Reimbursement is $1,250 per semester or $2,500 per year.

E. Deaf-Blind

Payments will be made for special education of any deaf-blind child, resident of the State of Oklahoma, in any private or public institution, either inside or outside of the state, but in no case shall payment from state funds for such special education, including board and room, and transportation, exceed $5,000 per child per year. Application for Preapproval will be made to determine the exact amount of funds needed and the use of these funds.

F. Physically Handicapped

The purpose of transportation, special equipment, devices and books (large print books for partially seeing children), readers, supplies or other facilities, or for special instruction within the regular school building as set out in the law, is to make it possible for a physically handicapped child to participate in classroom activities and benefit from the association with other children. A child must be so handicapped that he is physically unable to attend school in a regular classroom without the aid of one or more of the special services.

Reimbursement not to exceed $225 per semester or $450 per year.

G. County and Cooperative Programs

County superintendents may organize and operate special education programs as provided by law. *Also*, two or more school districts are authorized to form cooperative programs to provide special education services. When a teacher is required to travel from one school to another, serving those who need special training, the teacher's travel cost between the schools should be paid. Reimbursement, not to exceed $450 per teacher per year, will be made by the Special Education Section of the State Department of Education.

Method of Reimbursement

Special services are reimbursed from a fund established by legislative action. Reimbursement for special services will follow the schedules as stated in the foregoing section and will be handled in the following manner:

a. A Preapproval Application for the special service must be on file with the Special Education Section.

b. Application for Aid will be sent by the state Special Education Section to each school district that has on file an approved Preapproval for a special service. These applications will be mailed to the districts at the end of each semester. The first semester's Application for Aid should be returned within 30 days from the end of the first semester. The second semester's Application for Aid *must* be returned by *June 1*.

c. Application for Aid will be reviewed and checks will be mailed to the school districts for the amounts to be reimbursed.

Reimbursement will be made (at the end of each semester), using half of the appropriated funds for each semester.

School districts conducting an approved home teaching program must pay the teacher of the homebound child a minimum of $9 per hour for three one-hour home visits per week. Approved programs will be reimbursed at the end of each semester, subject to available funds not to exceed $27 per week.

In addition to salary, reimbursement can be made at the state rate per mile for the necessary distance traveled by a homebound teacher, if the distance is two or more miles per round trip. The distance is figured from the school the child would normally attend to the child's home.

H. School-to-Home Telephone System

When a physically handicapped child is taught in his home by the school-to-home telephone system, reimbursement will be made of not more than $300 per year for each child to pay the cost of such services. Reimbursement will be made at the end of each semester.

I. Boarding Exceptional Children

Reimbursement, not to exceed $450 per child per year, will be made when school districts make provisions for boarding exceptional children who must be transferred from their home districts to school districts providing needed special services.

If Applications for Aid exceed available funds, each claim will be prorated.

J, Teacher qualifications

Teachers of homebound children shall hold a valid Oklahoma Teacher's Certificate.

A Special Education Certificate is *not* required.

Teachers employed to teach in the regular classroom may be employed to teach homebound children before or after school hours and be paid extra for this service.

Note: All second semester applications for aid must be in the special education office by June 1.

V. RECOMMENDATIONS FOR TRANSPORTATION OF HANDICAPPED CHILDREN

At the beginning of each school year an orientation of bus drivers, responsible for handicapped children, should be held between drivers, special education faculty, school nurse(s), principal(s), and other personnel responsible for adapting the school program to meet the educational needs of students.

Orientation should include information about pertinent physical, mental, and emotional data that a driver may need to know in assisting a handicapped student in riding a bus successfully with his peers.

Following are suggested concerns of which the professional staff should be aware and share with drivers when it is necessary for the welfare of the handicapped student.

A. A communication system must be clearly defined so that information can be shared quickly and efficiently, as necessary, between drivers and personnel responsible for the educational program of handicapped students. It would be helpful if the buses were equipped with a two-way radio system.

B. All physically handicapping conditions that may require assistance from the driver such as getting off or on the bus because of weather conditions, braces, prosthesis, as well as other visual, hearing, or mental disability should be known prior to the first bus run or as quickly as possible.

C. The parent or their designee is responsible for "door-to-curb," "curb-to-door" and "street crossing" of the child to the loading and unloading point.

D. Techniques and procedures should be clearly outlined and understood for children that may cause an emergency. The bus driver needs to be aware of children with epilepsy, diabetes, cerebral palsy, etc. Pertinent information should be known by the driver at all times.

E. Drivers will need to know the proper way of lifting those students with braces, etc., or techniques for strapping students in the seat for assuring safe riding in consideration of handicapping condition. Techniques should conform to that advocated by the therapist in charge. Drivers should also be aware of the objectives of the therapy program. For example, if the child can walk independently but prefers the luxury of being carried, the driver should abide by the program established for the benefit of the child.

F. If there are pupils who for any reason need special or emotional support, instructors of these students should assist drivers in understanding and developing techniques in making commuting to and from school a good experience while reinforcing the educational objectives for a particular student.

G. Socialization is necessary for all children. Bus drivers should share in the responsibility of assisting the handicapped to remain as "normalized" as possible with other students by developing a posture of expectation, kindness and understanding of each individual"s need while under his/her responsibility to and from school or other school-related activities.

VI. EARLY CHILDHOOD HANDICAPPED

A. Rationale

Early intervention programs and parent education help prevent cumulative effects of disabilities. Research indicates that the earlier the intervention programs begin, the greater the benefits are to the child and the more cost effective they are to the service providers.

B. Legal Considerations

Local education agencies are required to locate and identify all handicapped children birth through 21 years who reside in their districts. Under Oklahoma statutes, services for severely handicapped under four years are mandated for those such as deaf, blind, and "failing to thrive" is interpreted to be a functional level of 50% or more below the normal expected development, e.g., a four year old child functioning as a two year old child would be at the 50% functional level. A child may fail to "thrive" in one or more of the following areas:

1. Physical development--includes medical, vision, hearing, gross and/or fine motor development.
2. Language development--receptive and/or expressive language.
3. Cognitive or mental development "thinking skills"--ability to relate causes to events.
4. Adaptive development--self-management which includes self-help, social skills, initiative, and follow through capabilities.

C. Causes

It should be noted that severe developmental delays may indicate disabilities or lack of stimulations, opportunity or incentive. Prevention techniques recommended by national research projects include supervised contact with young children for teenagers as a preparenting experience. Early prenatal care and follow-up of all pregnancies are also recommended to prevent central nervous system related disabilities that may affect learning and development.

Diagnosis

Pediatric reports, parent interviews, observations, adaptive and developmental measure should be used initially. Later child growth and attainment reports should be utilized to determine progress and/or regressions. Appropriate adjustments should be made in the individualized education programs as needed.

E. Service Delivery System

The local district shall serve children in individually appropriate least restrictive environments. These environments may include the home, centers, hospital, or school-based settings, or an appropriate combination of the above. Integrated placement with children who are not handicapped may be made in programs which meet state standards in public or private:

a. Nursery schools
b. Day-care programs
c. Head Start
d. Prekindergarten
e. Kindergarten
f. Primary grades

F. Interagency Coordination for Services

The exchange for information between local interagency groups is recommended for the coordination of services because many agencies are funded to serve eligible handicapped children. In this regard, the local education agency may work in connection with the parent or other public or private agencies to serve the child. The individualized education program may serve as the agreement for services on an individual basis or user contract agreements may be developed for groups.

The local school may provide itinerant teacher service to handicapped children located in public nonprofit nonsectarian centers, etc. Contractual arrangements for services may be made with accredited private schools to provide services for individual students but public funds shall not be used to provide personnel which benefit private enterprise.

G. Preschool Funds

Preschool funds are formula funds which flow to the state on the basis of the number of handicapped children served, three through five years of age. The funds are meant to assist state and local agencies to provide educational services to young children birth through age five who are handicapped.

Some appropriate activities for the use of these funds are:

1. Providing special education and related services which include speech or language therapy, occupational therapy, physical therapy, and other related services.

2. Providing essential diagnosis and assessment for children birth through age five.

3. Providing transportation essential to the delivery of services.

4. Providing parents with child development information to promote development and early recognition of problems.

5. Assisting parents in the understanding of the special needs of a handicapped child.

6. Providing parent counseling and parent training, where appropriate, to enable parents to work more effectively with their children.

H. Child Count

The child placed in alternate settings may be included on a local education agency's child count when the child is appropriately served with an individualized education program that is developed, implemented and followed in accordance with state and federal standards. Paraprofessionals, parent trainers, and other support personnel may be employed to assist in implementation activities which are initiated and supervised by special education personnel.

I. Least Restrictive Environment Arrangements

In local education arrangements with Head Start and other integrated environments that serve handicapped and nonhandicapped preschool children, the local education agency should:

1. Assure that the facility is licensed;
2. Provide for special education personnel through Head Start or local education agency specialist;
3. Work out arrangements defining role and responsibilities;
4. Assure the implementation and follow through of individualized education program with ongoing evaluation and instruction.
5. Work with Head Start personnel to maximize the service delivery and cost effectiveness of services. Jointly plan the transition to public schools with local Head Start grantees; and
6. Count children placed in integrated settings on child count only when appropriately served by certified or licensed personnel for special education and related services.
7. In a joint agency service arrangement, the individualized education program shall be prepared in an appropriate team meeting with representatives from each agency. The Individualized Education Program should be coordinated with other service plans within an agency, e.g., Individual program plans for Head Start children which are developed by the lead teacher within the Head Start center.

VII. PROJECT ECHO (ENRICHING CHILDREN'S HEARING OPPORTUNITIES)

Because a deaf condition is not visible, it can be overlooked. Early identification is essential if a deaf child is to learn language, since language is learned normally by the age of three and one-half to four and one-half years.

Project ECHO is a statewide program for hearing impaired children from birth to six years of age that provides service which includes identification and a home intervention program which teaches parents to:

1. Manage their child's hearing aid
2. Teach their child to use the hearing he has
3. Develop a system of communication
4. Help develop language in the home

Parent/infant services include:

1. Family orientation
2. Weekly visits to the home by a trained parent advisor to teach auditory and language skills
3. Parent groups
4. Ongoing evaluation of child's auditory and language development
5. Staffings held semiannually to evaluate progress

Project ECHO Case Management Procedures

1. Initial referrals for Project ECHO services to families of hearing impaired children should be made to the state coordinator of Project ECHO.

2. Home visits will begin after evaluation and recommendation for approval by the coordinator. The superintendent of the local education agency in which the hearing impaired child is a legal resident will be notified by a letter from the Special Education Section of the State Department of Education. It will contain pertinent information and specific instructions on case management and reimbursement procedures.

3. Project ECHO parent advisors will be cooperatively selected, trained and assigned by joint efforts of the local education agency and State Department of Education.

Method of Reimbursement to LEA's for Project ECHO Expenses

1. Applications for reimbursement will be sent to the local education agency by the Special Education Section with the initial letter of notification. Completed applications based on monies paid to parent advisors as authorized by the state coordinator should be returned to the state Special Education Section on a quarterly basis.

2. Applications for reimbursement will be reviewed and checks mailed to the local education agency at the end of each quarter.

Requests for additional information should be directed to the state coordinator of Project ECHO.

VIII. REGIONAL EDUCATION SERVICE CENTERS AND SERVICES OFFERED

The regional education service centers are an integral part of the special education services provided by the State Department of Education. They, along with the Special Education Section, are uniformly administered by the associate state superintendent for federal/state programs.

Oklahoma's 20 regional education service centers were authorized and assigned services by the Oklahoma Legislature in Senate Bill No. 581 (1974) and Senate Bill No. 704 (1976). Each center is to provide the services mandated by law and state board action. Centers are to offer school districts professional assistance in a variety of efforts aimed toward the improvement of instruction for students. Each center is to provide core services which include, but are not limited to:

A. Student Appraisals

   1. Conduct educational screening as mandated in Oklahoma Senate Bill 581 (The Prescriptive Teaching Act of 1974); Senate Bill 214 (Gifted and Talented Act of 1982); and House Bill 1466 (Education Improvement Act of 1985).

   2. Provide diagnostic and evaluation service for students who are exhibiting learning problems and/or exceptionalities.

B. Media

1. Maintain an acquisition, cataloging and shelving operation for the purpose of providing a lending service (generally, loan periods will range from two weeks to a month).

3. Provide special education materials on a prescriptive basis to the classroom teacher who has students with learning problems.

C. Individualized Learning Plans

1. Provide prescriptive teaching plans to teachers for students having learning problems.

2. Provide consultation for educators and parents working with or having students with learning problems.

D. Staff Development

1. Assist in organizing and presenting workshops, conferences, institutes, and other inservice programs for educators working with students with special needs.

2. In these inservice programs, they emphasize the awareness, utilization and adaptation of appropriate materials, learning theory, research findings, and other topics.

3. Maintain good working relationships with teacher training institutions.

4. Provide technical assistance to school districts in developing inservice plans in conjunction with the statewide Comprehensive System of Personnel Development as required by federal mandate (Public Law 94-142).

E. Coordination of Educational Services

1. Assist in the improvement of present services for students.

2. Lead in the establishment of new education services.

3. Lead in curriculum development.

4. Promote interagency cooperation. To accomplish this, they conduct at least two regional interagency meetings per year. The interagency coordinator of the Special Education Section shall assist as appropriate in this effort.

The offices for these regional education service centers and counties served are:

ADA--Irving Community Center, 704 North Oak, Ada, OK 74820, 405/332-6314; Coal, Garvin, Pontotoc, and Seminole counties.

AFTON--P.O. Box 430, Afton Elementary, Afton, OK 74331, 918/257-4228; Craig, Delaware, Mayes, and Ottawa counties.

ALTUS--Robert E. Lee School, 600 West Pecan, Altus, OK 73521, 405/482-4197; Harmon, Jackson, Kiowa, and Tillman counties.

ALVA--1540 Davis, Alva, OK 73717, 405/327-0603; Alfalfa, Grant, Harper, Major, and Woods counties.

Tri-County Satellite (Woodward): 1023 10th Street, P.O. Box 668, Woodward, OK 73801, 405/254-3232; Dewey, Ellis, and Woodward counties.

ANADARKO--P.O. Box 1355, SW 6th & Kentucky, Anadarko, OK 73005, 405/247-6688; Caddo, Grady, and Stephens counties.

ARDMORE--#12 Broadlawn Village, Ardmore, OK 73401, 405/223-2459; Carter, Jefferson, Johnston, Love, Marshall, and Murray counties.

BARTLESVILLE--316 SW Seminole, Bartlesville, OK 74003, 918/336-3071; Nowata, Osage, Rogers, and Washington counties.

BURNS FLAT--P.O. Box 169, John Ross Elementary, Burns Flat, OK 73624, 405/562-3127; Beckham, Custer, Greer, Roger Mills, and Washita counties.

GUYMON--P.O. Box 1755, 8th & Academy Streets, Guymon, OK 73942, 405/3388-8901; Beaver, Cimarron, and Texas counties.

HUGO--P.O. Box 868, 215 East Kirk, Hugo, OK 74743, 405/326-5767; Atoka, Bryan, Choctaw, McCurtain, and Pushmataha counties.

KINGFISHER--courthouse Annex #202, 6th & Sheridan, Kingfisher, OK 73750, 405/375-7185; Blaine, Canadian, Kingfisher, and Logan counties.

LAWTON--Douglas Learning Center, Larrance and East Gore Blvd., Lawton, OK 73507, 405/357-7185; Comanche and Cotton counties.

MCALESTER--P.O. Box 298, 14th & Cherokee, McAlester, OK 74502, 918/423-6271; Haskell, Hughes, Latimer, McIntosh, and Pittsburg counties.

MOORE--404 North Chestnut, Moore, OK 73160, 405/799-4458; Cleveland, McClain, and Pottawatomie counties.

MUSKOGEE--570 North 6th Street, Muskogee, OK 74401, 918/683-3040; Cherokee, Muskogee, and Wagoner counties.

OKLAHOMA COUNTY--Monroe Elementary, 4810 North Linn, Oklahoma City, OK 73112, 405/947-6165; Oklahoma county.

SALLISAW--Kindergarten Complex, 603 East Choctaw, Sallisaw, OK 74955, 918/775-3722; Adair, LeFlore, and Sequoyah counties.

STILLWATER--Rosewood Hills, Suite #6, Box 10, 211 North Perkins Road, Stillwater, OK 74075, 405/624-1315; Kay, Noble, Pawnee, and Payne counties.

Garfield County Satellite (Enid)--831 East Oklahoma, Enid, OK 73701, 405/234-5951; Garfield county.

STROUD--Stroud Middle School, Gillespie Drive, P.O. Box 667, Stroud, OK 74079, 918/9968-2518; Creek, Lincoln, and Okfuskee counties.

TULSA--812 East Admiral, Suite 121, Tulsa, OK 74120-1449, 918/663-2112; Okmulgee and Tulsa counties.

IX. FUNDING

A. State of Oklahoma

1. State funds for the education of exceptional children are distributed as mandated by state law. Local districts receive funds based on a weighted pupil formula using the December 1, child count data.

2. Special service funds are available for certain special purposes such as homebound.

B. Federal

1. Federal legislation enacted in 1975 (Education for All Handicapped Children Act, Public Law 94-142) provides funds for special education and related services. EHA-B monies are awarded via a noncompetitive application based on the number of handicapped children served. Seventy-five percent of funds awarded to the State Department of Education by the .S. Office of Special Education Programs are awarded to local education agencies upon receipt of approvable applications. Discretionary funds are also available to help local education agencies begin new special education programs on a priority basis.

Federal Requirements

1. The local school or cooperative program must:

   a. Generate a minimum of $7,500 through child count.

   b. Be of sufficient size and scope as determined by the State Department of Education to effectively meet the educational needs of handicapped children.

   c. Meet the excess cost requirements.

   d. Meet nonsupplanting requirements.

2. Nonsupplanting (34 CFR 300.230)

   a. Each local education agency application must provide assurance that the local education agency uses funds provided under Part B of the Act to supplement and, to the extent practicable, increase the level of state and local funds expended for the education of handicapped children, and in no case to supplant those state and local funds.

   b. To meet the requirement in paragraph a. of this section:

      (1) The total average per capita amount of state and local funds budgeted by the local education agency for the current fiscal year for the education of handicapped children must be at least equal to the total average per capita amount of state and local school funds actually expended for the education of handicapped children in the most recent preceding fiscal year for which the information is available. Allowance may be made for:

         (a) Decreases in enrollment of handicapped children; and

(b) Usually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities; and

(2) The local education agency must not use Part B funds to displace state or local funds for any particular cost.

3. Local Education Agency use of EHA-B funds

The congressional intent inherent in Public Law 94-142 is that local education agencies be granted EHA-B funds to provide a free, appropriate, public education for all eligible handicapped children in the least restrictive environment. Local education agencies must provide the basic educational opportunity for handicapped children and EHA-B funds are to be used for the excess cost of operating special education programs.

Each local education agency must adhere to the excess cost requirement in funding identified unserved handicapped students, and underserved severely handicapped students in each handicapping category.

Application forms, guidelines, and inservice are provided by the State Department of Education on a yearly basis or as requested.

4. Public Law 89-313 (Chapter I) (Reserve Monies)

Public Law 89-313 funds are provided to state agencies for programs to meet the special education needs of handicapped children in state-operated or state-supported schools. In addition, funds are available to agencies and local education agencies through application procedures from the State Department of Education, Special Education Section.

5. Public Law 874 and Special Education

For those schools eligible for Public Law 874 (Impact Aid), there is additional money available for qualified special education students. These students are restricted to those living on Indian land, in tribal housing, or whose parents are in military service.

School administrators who need information on this should contact the School Plant Section of the State Department of Education.

X. COMPLAINT PROCEDURES

The Special Education Section provides technical assistance to parents, professionals, school districts, public agencies, and other organizations with responsibilities or interests in educating handicapped children. These activities facilitate implementation of special education and related services in compliance with state and federal requirements. Knowledge and awareness of parents rights and procedural safeguards are also enhanced through these activities. In many instances, clarification of applicable requirements, additional information, and consultation help school districts, parents, or other agencies to resolve differences and work more effectively together.

In addition to these ongoing services, the State Department of Education has available a formal complaint management system for specific complaints/allegations of violations by school districts, public agencies, the State Department of Education, or other responsible agencies.

Provisions for complaint procedures by state educational agencies are found in (34 CFR 76.780-76.783). Efforts to resolve problems by informal approaches prior to filing complaints are encouraged by the State Department of Education, but formal, written complaint procedures may be pursued by agencies or individuals when these efforts have not achieved satisfactory resolution.

A. Complaint procedures are as follows:

1. Complaints shall be written and include (a) a statement that the responsible school district, agency, or State Department of Education has violated a requirement of a federal statute or applicable regulation; (b) the facts on which the statement is based; and (c) the signature of the individual or organization filing the complaint.

2. The Special Education Section will acknowledge, in writing, the receipt of the formal complaint within 15 calendar days. Copies of this written acknowledgment will be mailed to the involved parties and to the State Department of Education personnel with assigned responsibilities. Written notice of parent rights will be included.

3. Telephone calls and other contacts will be made to determine the circumstances and facts pertaining to the complaint. The parties involved may be requested to submit documentation such as copies of student records or other written verification of actions. Through these inquiries, the context and nature of the complaint will be more clearly defined.

4. If further information or review is deemed necessary by the State Department of Education, an on-site investigation will be conducted. The on-site might include activities such as reviewing records, observation of program implementation, and conducting interviews with staff and/or parents.

5. Follow-up activities to assist resolution of the complaint may include technical assistance, consultation, mediation conferences, or other recommended interventions.

6. After facts are gathered, the State Department of Education will report the findings in writing. The findings of fact will address whether the complaint of alleged violations is substantiated and will include instructions for correcting any substantiated violations. This information will be provided by the State Department of Education to the involved parties.

7. Complaint investigation and resolution shall be completed within 60 calendar days from receipt of the formal written complaint by the Special Education Section. Extensions of timelines may be granted only if exceptional circumstances exist regarding a specific complaint.

8. The complainant or either party may request the Secretary of the U.S. Department of Education to review the final complaint decision of the state educational agency.

B. Substantiated Complaints/Violations and Possible Sanctions/Hearings

1. When school districts or other responsible agencies are found to have violated state or federal requirements, necessary corrective actions will be outlined and provided with the State Department of Education written summary of findings. The school district or agency shall respond to the State Department of Education within timeframes delineated for the required corrective actions. Compliance cannot be assured until the

corrective actions have been approved and verified by the State Department of Education.

2. Noncompliance with state and federal regulations for the education of handicapped children may result in (a) disapproval of applications for funds, (b) withholding of funds, (c) repayment of misspent or misapplied federal funds, (d) suspension or loss of accreditation, (e) other sanctions.

3. School districts or agencies receiving federal monies for educating handicapped children may request a hearing if they allege that any actions of the State Department of Education, in response to noncompliance findings, have violated state or federal statutes or regulations. The State Department of Education shall provide notice and opportunity for a hearing before sanctions are imposed.

4. Procedures for State Department of Education hearings to review such actions and make decisions in these matters shall be as provided in (34 CFR 76.401 and 76.783).

XI. DUE PROCESS HEARING AND APPEAL PROCEDURES

Introduction

Under the authority of the Education for All handicapped Children Act of 1975, Public Law 94-142, and 70 O.S. Supp. 1987, § 3-104, and the Oklahoma Administrative Procedures Act, 75 O.S. 1971, § 301 et seq., the Oklahoma State Department of Education in keeping with the constitutional rights and privileges accorded its citizens, does hereby establish the following policies and procedures to guarantee due process protection to children and their parents in regard to identification, evaluation and educational placement of a child. *Each public agency shall access the due process system established and implemented by the State Department of Education.*

A. Due Process Hearing

1. A major element of due process is that an opportunity is provided for the creation of a forum that will provide an objective review of the parent-school disagreement and ultimately produce an objective decision resolving the dispute. Regardless of the formal and informal steps leading to a hearing and the many procedural provisions that must be met in the hearing situation itself, the key concept is that the final decision of the hearing officer will be impartial.

2. A request for a due process hearing may be initiated at any time and the decision shall be rendered within 45 calendar days of the time the request was presented.

B. Who May Request a Hearing and for What Purpose?

1. Parents or guardians may request a hearing for any of the following reasons:

   a. To challenge the initiation of the identification, evaluation or educational placement of the handicapped or purported to be handicapped child.

   b. To challenge a change of the identification, evaluation, or educational placement of the handicapped, or purported to be handicapped, child.

c. To challenge the refusal of the local education agency to initiate or change the identification, evaluation, or educational placement of the handicapped, or purported to be handicapped, child.

d. To challenge the results of an educational evaluation on which an educational placement recommendation was made.

e. To challenge the present or recommended educational placement of their handicapped, or purported to be handicapped, child.

f. To challenge whether an educational program is free and/or appropriate for a handicapped, or purported to be handicapped, child.

2. The local education agencies may request a conference and/or hearing for any of the following reasons:

    a. To challenge the refusal of a parent to give permission to test a child who is believed to be handicapped.

    b. To challenge the refusal of a parent to give permission to place a handicapped child in a special education program.

    c. To challenge the refusal of a parent to give permission to change or alter the identification, evaluation, or educational placement of a handicapped child.

C. How is a Request for a Due Process Hearing Initiated?

A request for a due process hearing may be initiated in the following manner:

1. Parents or guardians must present a written request for a hearing to the local school administrator stating the child's name, date of birth, current grade or class placement, and give the reasons for challenging the identification, evaluation, classification, or placement or appropriateness of the education of the child in question.

2. The local education agency must present a written request for a hearing to the State Department of Education, and must provide written notice to the parents, in the primary language of the home, informing them that they are filing a request for a hearing. This notice shall be sent by certified mail, return receipt requested, on the date the request for a hearing is filed with the State Department of Education.

D. The Hearing Officer

The term "impartial hearing officer" shall mean the appointment of a trained individual by the State Department of Education, Special Education Section, for the purpose of presiding at due process hearings.

It shall be the responsibility of the State Department of Education to ensure that the hearing officer assigned to a particular hearing is unbiased. Any party to a due process hearing may challenge the assignment of a particular hearing officer. It shall be the responsibility of the State Department of Education to assign a new hearing officer to the case upon a showing that the appointed hearing officer is biased or other good cause.

E. Decision of the Hearing Officer

The decision of the hearing officer shall include findings of fact, reasons thereof, and conclusions thereon.

The decision of the hearing officer shall state that this decision is binding upon the parents or the child, if over the age of majority and upon the local education agency, its officers, employees, and agents, subject to procedures for administrative or judicial appeal, and that any questions regarding appeal procedures may be directed to the State Department of Education, Special Education Section, Hodge Education Building, Oklahoma City 73105-4599. A statement of the procedures to be used for appealing such decision shall be included in the decision.

F. Conduct of Administrative Appeals

Appeals must be initiated by a parent or by the local education agency and must be made within 30 calendar days after receipt of the decision. The appeal of a decision of the hearing officer will be reviewed by the State Board of Education's impartial designee. Each appeal officer will meet the same qualifications required of all hearing officers. All requests for appeals should be mailed to the Oklahoma State Department of Education, Special Education Section. This section shall ensure that not later than 30 calendar days after the receipt of a request for a review, a final decision will be reached and a copy of the decision mailed to each of the parties.

If there is an appeal, the State Department of Education shall conduct an impartial review of the hearing. The official conducting the review shall:

1. Examine the entire hearing record;
2. Ensure that the procedures at the hearing were consistent with the requirements of due process;
3. Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in (34 CFR 300.508) apply;
4. Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;
5. Make an independent decision on completion of the review; and
6. Give a copy of written findings and the decision to the parties.
7. The decision made by the reviewing official is final, unless a party brings a civil action under (34 CFR 300.512).

Each public agency shall access the due process system established and implemented by the State Department of Education.

G. Extension of Time

A due process hearing officer or appeal officer may grant a specific extension of time beyond the periods set out at the request of either party, i.e., the 45 calendar days for a hearing and the 30 calendar days for an appeal.

Note: Upon request for a due process hearing, the Special Education Section will send both parties (school/parent) the *Guidelines for Parents and School Administrators, Due Process in Special Education* manual giving the details of each party's rights, responsibilities, and procedures of the hearing..

XII. STATE EDUCATION AGENCY MONITORING PROCEDURES

Each local education agency will submit annually through Part I of the local education agency application a list of all public/private agencies, institutions, and organizations within the boundaries of the school district which are responsible for providing special education programming. Based on this information, the State Department of Education will conduct annual comprehensive monitoring of one third of the state's local education agencies including all appropriate agencies within these districts. In addition, certain local education agency documents will be monitored off-site.

State Department of Education monitoring procedures will document the following:

1. The effectiveness of procedures undertaken to identify, locate and evaluate handicapped children [34 CFR 300.128 (a) (5)].
2. Implementation of individualized education programs [34 CFR 300.130 (b) (2)]
3. Compliance with procedures for placing handicapped children in private schools [34 CFR 300.402 (a)] and
4. Placement of handicapped children to assure compliance with the requirements of [34 CFR 300.500-300.555] [300.556].

Documentation of compliance in these areas will be accomplished in the process of completing the State Department of Education revised and expanded monitoring instrument. This instrument will be completed utilizing pre-site and on-site information.

Enforcement of any obligations imposed on agencies, institutions, and organizations responsible for carrying out special education programming will be implemented as outlined in "Responsibility of State Department of Education for All Educational Programs" component of the 1988-90 State Plan.

Follow-Up/Corrective Action Plan

An agency will be required to submit a "corrective action plan" to the State Department of Education within 30 days of receipt of the written monitoring report. This plan will include a description of the steps which provides for:

1. The elimination of any past effects of a deficiency;
2. The prevention of any similar deficiency in the future;
3. The description of each action the agency will take to correct identified deficiencies and achieve future compliance, including adequate inservice training where appropriate (indicating dates, topic(s) and attendees);
4. Documentation to verify the initiation and completion of those actions needed to assure correction of current deficiencies and prevention of future ones;

5. The time frame for achieving full compliance.

The agency "correction action plan" is subject to approval by the State Department of Education. Where necessary, technical assistance will be provided to agencies to aid in implementation of the plan. Verification of the corrective actions of the agency will occur in a variety of ways, depending upon the nature of the deficiencies. Some examples may include:

- Continuous contact with State Department of Education technical assistance staff;
- Follow-up on-site visitation by State Department of Education personnel
- Final report submitted by agency to officials.

6. An agency is entitled to an opportunity for a hearing with respect to identified deficiencies within ten days of receipt of the evaluation report.

An agency is entitled to a hearing with respect to identified deficiencies within ten days of receipt of the evaluation report.

Enforcement

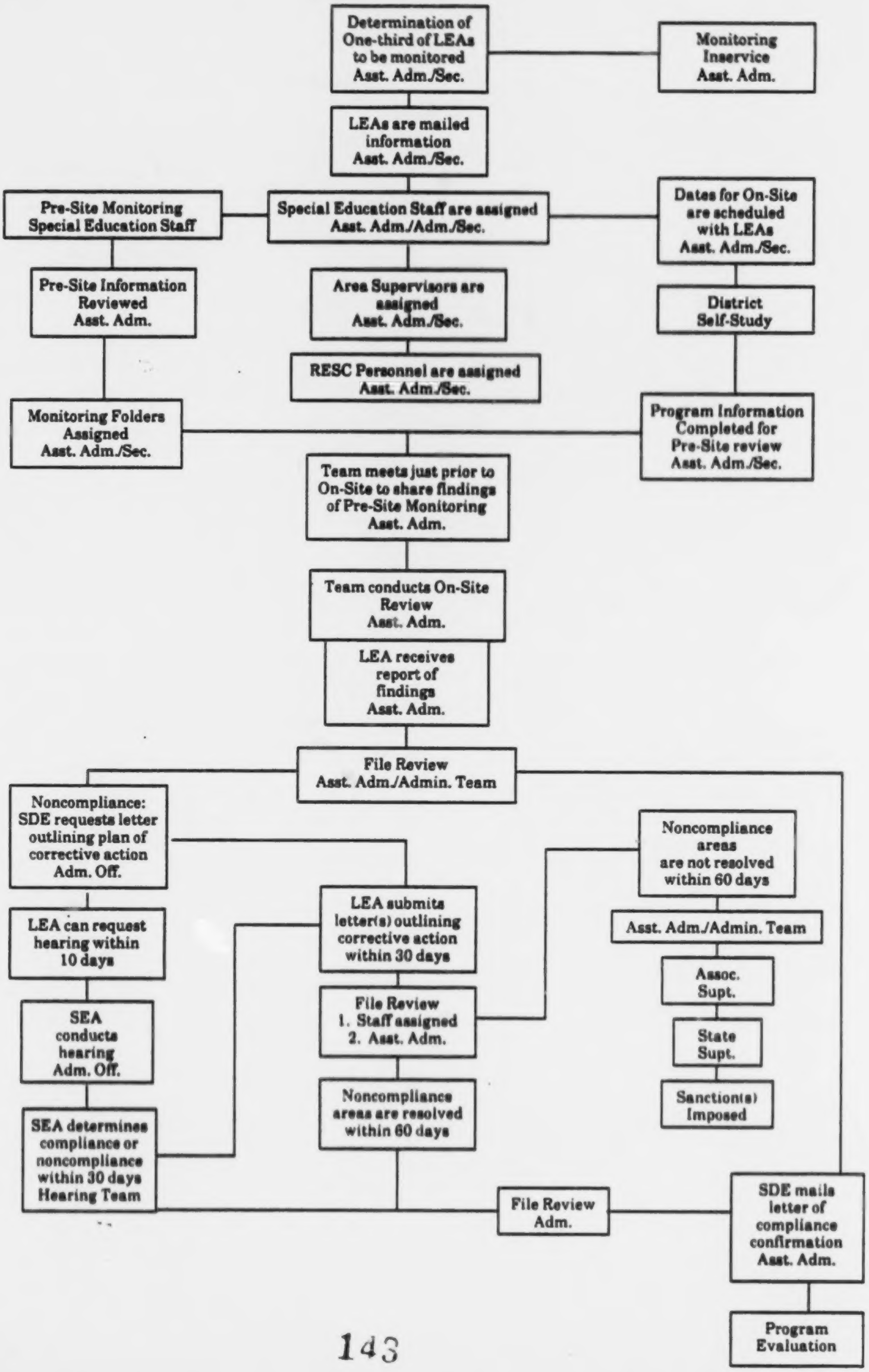
Sanctions for failure to correct an identified deficiency will be determined by the State Department of Education and shall be based upon the individual area of noncompliance. The time periods in which these sanctions will be imposed shall be at the discretion of the State Department of Education.

1. Noncompliance with state and federal regulations for education of handicapped children may result in (a) disapproval of applications for funds, (b) withholding of funds, (c) repayment of misspent or misapplied federal funds, (d) suspension or loss of accreditation, (e) other sanctions.

2. School districts or agencies receiving federal monies for educating handicapped children may request a hearing if they allege that any actions of the State Department of Education, in response to noncompliance findings, have violated state or federal statutes or regulations. The State Department of Education shall provide notice and opportunity for a hearing before sanctions are imposed.

3. Procedures for State Department of Education hearings to review such actions and make decisions in these matters shall be as provided in (34 CFR 76.401 and 76.783).

SPECIAL EDUCATION MONITORING FLOW-CHART


Determination of One-third of LEAs to be monitored Asst. Adm./Sec.
Monitoring Inservice Asst. Adm.
LEAs are mailed information Asst. Adm./Sec.
Pre-Site Monitoring Special Education Staff
Special Education Staff are assigned Asst. Adm./Adm./Sec.
Dates for On-Site are scheduled with LEAs Asst. Adm./Sec.
Pre-Site Information Reviewed Asst. Adm.
Area Supervisors are assigned Asst. Adm./Sec.
District Self-Study
RESC Personnel are assigned Asst. Adm./Sec.
Monitoring Folders Assigned Asst. Adm./Sec.
Program Information Completed for Pre-Site review Asst. Adm./Sec.
Team meets just prior to On-Site to share findings of Pre-Site Monitoring Asst. Adm.
Team conducts On-Site Review Asst. Adm.
LEA receives report of findings Asst. Adm.
File Review Asst. Adm./Admin. Team
Noncompliance: SDE requests letter outlining plan of corrective action Adm. Off.
Noncompliance areas are not resolved within 60 days
LEA can request hearing within 10 days
LEA submits letter(s) outlining corrective action within 30 days
Asst. Adm./Admin. Team
Assoc. Supt.
SEA conducts hearing Adm. Off.
File Review 1. Staff assigned 2. Asst. Adm.
State Supt.
Sanction(s) Imposed
Noncompliance areas are resolved within 60 days
SEA determines compliance or noncompliance within 30 days Hearing Team
File Review Adm.
SDE mails letter of compliance confirmation Asst. Adm.
Program Evaluation

XIII. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

[34 CFR 300.380-387] of the regulations for Public Law 94-142 require the State Department of Education to design and implement an ongoing CSPD. The purpose of such a system is to coordinate all personnel preparation activities within the state to ensure the number and type of personnel needed to provide special education and related services to all identified handicapped children are *available* and are *qualified* to provide the free, appropriate, public education guaranteed by state and federal law.

The basic concept inherent in CSPD is "participatory planning" by personnel of agencies listed below:

1. State Department of Education (special education and regional education service centers)
2. Local education agencies
3. Teacher training colleges and universities
4. Other agencies providing services to handicapped children
5. Parents of handicapped children
6. Professional organizations

To ensure the effective implementation of a comprehensive system of personnel development at the district level, an administrative structure is used that assigns the primary responsibility for the system to personnel at the district level. As part of each local education agency district plan for EHA-B, a local education agency must have a comprehensive system of personnel development committee with the specific responsibilities listed below:

1. Using a State Department of Education instrument, conduct an annual needs assessment to identify:

   a. Inservice training needs
   b. Retraining needs
   c. New special service personnel needs

2. Prioritize training/retraining needs

3. Develop an annual CSPD training plan

4. Implement the plan, monitor activities and evaluate

To assist local districts in implementing their CSPD training plan, the Special Education Section makes funds available each year to support training activities. These funds should assist the implementation of district training plans. The amount varies depending on the December 1 child count and availability of federal funds.

With the enactment of House Bill 1706, additional staff development funds and opportunities are available to local personnel. Although CSPD training is restricted to improving special education capabilities, a district may meet the requirements of House Bill 1706 by expanding the existing CSPD committee through the addition of extra teachers to make a majority of the membership instructional staff. This two-in-one approach allows an interface that can produce a high degree of cost effectiveness in terms of man-hours and dollars.

For further information on CSPD, contact the State Department of Education, Special Education Section, 405/521-3351.

XIV. SPECIAL EDUCATION FORMS

SDE Form 1

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Instruction

Confidential Record

Student ____

Birthday ____________________ Sex: Male ______ Female ______

The following persons have accessed these records:

Signature	Purpose	Date

SDE Form 2
(1 of 2)

STATE DEPARTMENT OF EDUCATION

John M. Folks, State Superintendent of Public Instruction
Regional Education Service Center

REFERRAL FOR EVALUATION

Name of Student ______________________ Address ______________________

City ______________________ Zip __________ Phone __________

Birthdate __________ Age _____ Sex _____ School ______________________ Grade _____

Circle grade(s) repeated: K 1 2 3 4 5 6 7 8 9 10 11 12 None

______________________ ______________________
Mother's/Guardian's/Surrogate Parent's Name Street City Zip Phone: Home/Work

______________________ ______________________
Father's/Guardian's/Surrogate Parent's Name Street City Zip Phone: Home/Work

Reason for Referral:

State reason for referral: ______________________

____

Give specific information about:

Work habits/attention: ______________________

____

Academic performance: ______________________

____

Classroom behavior/interactions (teacher observations) ______________________

____

Supplemental aids and services used, or attempted, in the regular classroom: ______________________

____

If supplemental aids and services are not being used, or will not be attempted, in the regular classroom state why:

____

To expedite evaluation procedures this form should be filled out in its entirety and provided to the agency that will be conducting the evaluation along with a signed permission to test form.

Referring Person: ______________________ Position: ______________________

Date ______________________

If this referral is for a potentially gifted student omit page 2 of this form.

SDE Form 3
(1 of 3)

STATE DEPARTMENT OF EDUCATION

John M. Folks, State Superintendent of Public Instruction
Regional Education Service Center

PARENT PERMISSION FORM

Dear Parent/Guardian/Surrogate Parent:

I would like to refer ______________________________ ____________________
Child's Full Name Date of Birth

to be evaluated to assist in determining the most appropriate educational program to meet the educational needs of this child.

Options considered and rejected: ______________________________

Areas of concern: ______________________________

______________________________ ____________________
Teacher/Referrer Date

In this evaluation process, it will be necessary to share personally identifiable information regarding the child and educational performance. A qualified person will administer tests in areas related to the child's suspected disability/exceptionality as part of the evaluation made by a multidisciplinary team. The name and description of tests that may be appropriate for this child, as well as your rights, are included with this notice. These should be clearly understood before your consent is given. If permission is granted, you will be notified upon completion of the testing to discuss the results of the evaluation. Contact the person below if you have any questions. Thank you for your assistance.

Signed: ______________________________
School/Public Agency Official Date

____________________ ______________________________
Phone Number Building Name Address Zip

I understand the reasons for this referral, the description of the evaluation process and the parent rights listed on the back of this form. I do give my permission for the above services. Also, I understand the protocol may be destroyed sixty (60) days after the evaluation unless questioned.

______________________________ ____________________
Parent/Guardian/Surrogate Parent Date

______________________________ ____________________
Address City

______________________________ ____________________
Phone Number Zip

Please sign, keep the pink copy, and return the other copies to the above official.

School/Public Agency Use Only:

Notice sent by: U.S. Mail ________
Personal Delivery ________ Date Delivered ____________________

Translation/interpretation needed: Yes _____ No _____

If yes, specify how and when provided: ______________________________

White copy - RESC Yellow Copy - Schools Pink copy - Parents

SDE Form 3
(3 of 3)

STATE DEPARTMENT OF EDUCATION
PARENTS RIGHTS IN SPECIAL EDUCATION
Continued

EDUCATIONAL TESTING INFORMATION

Evaluations conducted by Regional Education Service Center personnel will be in areas related to the child's suspected disability/exceptionality. The minimum educational evaluation will include:

I. **Measures of Intelligence**
   - Wechsler Scales: WPPSI or WISC-R or WAIS-R

II. **Measures of Achievement and Knowledge**
   - Woodcock-Johnson Psycho-Educational Battery
   - Woodcock Language Proficiency Battery
   - Peabody Picture Vocabulary Test - Revised

III. **Measures of Information Processing and Perceptual Impairment**
   - Bender-Gestalt Test or Beery Test of Visual Motor Integration or Visual Aural Digit Span Test (VADS)
   - Wepman (Auditory Discrimination) or Goldman-Fristoe-Woodcock (Auditory Discrimination) or Visual Aural Digit Span Test (VADS)

Additional evaluation instruments may be administered at the discretion of the examiner. These instruments may include:

I. **Measures of Intelligence and Development**
   - Hiskey-Nebraska Test of Learning Aptitude
   - Leiter International Scales
   - McCarthy Scale of Children's Abilities
   - Stanford-Binet Intelligence Scale
   - Gesell
   - Bayley
   - Cattell
   - KABC
   - Human Figure Drawing

II. **Measures of Achievement and Knowledge**
   - Wide Range Achievement Test
   - Peabody Individual Achievement Test
   - Stanford Achievement Test Listening Comprehension
   - Brigance Inventories

School/public agency personnel utilizing evaluation instruments other than those listed above must provide a list and description of each below.

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent
Regional Education Service Center

Educational Evaluation

CONFIDENTIAL

SDE Form 4
(1 of 6)

Re-evaluation Due ________

Name ______________________________ Date of Test ________

Grade ________ Teacher ______________________ Date of Birth ________

School ______________________ Chronological Age ________

Examiner ______________________ RESC ______________________

I. Measures of Intelligence and Development

Wechsler Intelligence Scales: WPPSI ______ WISC-R ______ WAIS-R ______

SCALED SCORES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
1. Information																				Info. from experience, education, long-term memory
2. Similarities																				Verbal reasoning, abstract thinking, categorization
3. Arithmetic																				Concentration, arithmetic reasoning
4. Vocabulary																				General expressive word knowledge, verbal fluency
5. Comprehension																				Practical knowledge, social judgment
6. Digit Span																				Attention, short-term auditory memory
7. Sentences (alt. only)																				Rote, immediate memory, sequencing, concentration
1. Picture Completion																				Visual alertness, visual memory
2. Picture Arrangement																				Social awareness, visual comprehension, sequencing
3. Block Design																				Non-verbal problem solving, perception
4. Object Assembly																				Eye-hand assembly skills
5. Coding/Digit Sym.																				Speed of eye-hand coordination, visual memory
6. Mazes																				Planning, following visual pattern
7. Animal House																				Assoc., motor control, speed & accuracy of learn.
8. Geometric Designs																				Visual, perceptual, motor ability
9. Animal House Retest																				Reflects learning ability, not computed in IQ scores

—SUBNORMAL— —AVERAGE— —SUPERIOR—

Verbal IQ ________ Performance IQ ________ Full Scale IQ ____ ± ____ Full Scale %ile ________

Other Tests: Test ______________________

Mental Age ______________________ ______________________

IQ ______________________ ______________________

Developmental Age ______________________ ______________________

Mental Age Level ______________________ __________ __________

Motor Age Level ______________________ ______________________

Level of Mental Ability ______________________

Academic Functioning

	Date	Test	Standard Score Achievement		
			Expected	Actual	Discrepancy
1. Oral Expression		WLPB			
2. Listening Comprehension		PPVT-R			
3. Written Expression		WLPB			
4. Basic Reading Skills		WLPB			
5. Reading Comprehension		WLPB			
6. Mathematic Calculation		WJPEB			
7. Mathematic Reasoning		WJPEB			

SDE Form 4
(2 of 6)

II. Measures of Achievement and Knowledge

**Woodcock-Johnson Psycho-Educational Battery (WJPEB)/
Woodcock Language Proficiency Battery (WLPB)**

Individual Subtests:

	GRADE EQUIVALENT	AGE EQUIVALENT	INSTRUCTIONAL RANGE	
			EASY	DIFFICULT
Letter Word Identification				
Word Attack				
Passage Comprehension				
Calculation				
Applied Problems				
Dictation				
Proofing				
(P) Punctuation & Capitalization				
(S) Spelling				
(U) Usage				

Cluster Scores:

CLUSTER	GRADE EQUIVALENT	INSTRUCTIONAL RANGE		AGE SCORE	%ILE	STANDARD SCORE
		EASY	DIFFICULT			
Reading						
Mathematics						
Written Lang.						

Woodcock Language Proficiency Battery (WLPB)
Individual Subtests:

	GRADE EQUIVALENT	AGE EQUIVALENT	INSTRUCTIONAL RANGE	
			EASY	DIFFICULT
Picture Vocabulary				
Antonym/Synonym				
Analogies				

Cluster Scores:

CLUSTER	GRADE EQUIVALENT	INSTRUCTIONAL RANGE		AGE SCORE	%ILE	STANDARD SCORE
		EASY	DIFFICULT			
Oral Lang.						

Peabody Picture Vocabulary Test-Revised (PPVT-R)

Standard Score ____________________

Age Equiv. __________ Form __________

%ile Rank ____________________

Stanford Achievement Test Listening Comprehension

%ile ______ Standard Score ______ Grade Equiv. ______

Other Achievement Test Data

TEST	SUBTEST	GRADE LEVEL	STANDARD SCORE	%ILE RANK

III. Measures of Information Processing and Perceptual Impairment

Bender-Gestalt Test

Visual-motor age ____________________

Normal error range ____________________

Standard Score ______ Koppitz error score ______

Beery Test of Visual Motor Integration

Age Equiv. ____________________

Wepman (Auditory Discrimination) Form ______

Validity __________ Score __________

Classification ____________________

Visual Aural Digit Span Test (VADS)

%ile __________ Age Equiv. __________

Strengths: ____________________

____

Weaknesses: ____________________

____

Goldman-Fristoe-Woodcock (Auditory Discrim.)

Quiet Subtest %ile __________ # of errors __________

Noise Subtest %ile __________ # of errors __________

SDE Form 4
(3 of 6)

CONFIDENTIAL

NOTE: State and federal timelines require a TEAM meeting within 15 days of receipt of this evaluation to determine categorical eligibility. The students' confidential file should be checked for any additional tests administered by the school (SDE Form No. 5 must be completed if considering for LD, and SDE Form No. 8 must be completed for all categories including LD).

This space may be utilized for the evaluator to address concerns such as strengths, weaknesses, additional information, suggestions, etc.

SDE Form 4
(5 of 6)

CHECKLIST OF DIFFICULTIES

Name______________________________ Grade__________ Date______________

Suggested remediation techniques and ideas can be found in the RESC Prescriptive Handbook as follows: "VI: 4-7" means Section VI, pages 4-7.

Materials to assist instruction are available for checkout at the RESC.

Items checked refer to specific teaching techniques and ideas, but are not intended for use as diagnostic or placement criteria.

ORAL EXPRESSION

______ Picture vocabulary (III: 17, 22) (VI: 15, 33)
______ Antonyms (III: 33) (VI: 65)
______ Synonyms (VI: 66)
______ Analogies (III: 34, 35) (XIX: 4-6)
______ Sentence structure (III: 20-25)
______ Syntax (III: 30-39)
______ Articulation and fluency (III: 37-46) (VI: 23)

LISTENING COMPREHENSION

______ Auditory memory (VI: 21-58) (XIX: 16-19)
______ Receptive vocabulary (III: 26)
______ Auditory discrimination (IV: 40-46)
______ Understanding direction (III: 27-29) (IV: 24, 25, 52-57)
______ Auditory attention span (IV: 3) (XIX: 16-19)
______ Needs questions/directions repeated often (VI: 54)
______ Sequence of events (VI:17 (XIX: 20-22 (IV: 54)

WRITTEN EXPRESSION

______ Upper/lower case letters (VI: 59, 60)
______ Spelling (VII: 1-15)
______ Punctuation/capitalization
______ Abbreviations
______ Word usage--tense/plurals (VI: 59-68)
______ Legibility (I: 34-56)
______ Reversals--letters/words (I: 11-14, 45)
______ Incorrect pencil grasp (I: 49-51) (VII: 11)
______ Left-handed with writing difficulty (I: 40-42)

BASIC READING SKILLS

______ Reading readiness (VI: 1-6) (X: 29, 30)
______ Identifying letters of the alphabet (VII: 1-4)
______ Addition of letter sounds in words (VI: 8) (VII: 1-14)
______ Omission of letter sounds in words (VI: 8)
______ Syllabication (VI: 28)
______ Reversals (VI: 13, 14, 21)
______ Sight word vocabulary (VI: 7, 15, 35, 69-79)
______ Word attack--phonics--decoding (VI: 19, 26-51)
______ Vowel sounds--long/short (VI: 26-31)
______ Diphthongs--vowels in combinations (VI: 9-16)
______ Consonant sounds (VI: 15, 47) (VII: 4)
______ Silent letters (VI: 28)

READING COMPREHENSION

______ Difficulty with "cloze" comprehension--ability to fill in a missing word in a passage (VI: 2)
______ Context clues (VI: 17)
______ Recall of main ideas (VI: 17, 21, 53)
______ Low reading vocabulary limits comprehension (III: 22-25) (VI: 33, 34) (XIX: 10-14)
______ Ability to grasp implied meanings (VI: 21)

MATH CALCULATION

____ Arithmetic readiness (VIII: 1-5) (X: 20-23)
____ Counting objects 1-12 (VIII: 4,5) (X: 20-23)
____ Addition facts (VIII: 6,12-14)
____ Adding columns of numbers (VIII: 12-15,19)
____ Regrouping in addition--carrying (VIII: 19)
____ Subtraction facts (VIII: 6,15,16)
____ Regrouping in subtraction--borrowing (VIII: 19)
____ Regrouping in subtraction across a zero
____ Multiplication/division facts (VIII: 6-16,19)
____ Multiplication operations (VIII: 6,16-19)
____ Division operations (VIII: 6,16-19)
____ Fractions--addition, subtraction, multiplication, division (VIII: 28-30)
____ Decimals (VIII: 37)
____ Needs practical consumer math skills (VIII: 37)

MATH REASONING

____ Solving problems involving time (VIII: 8,27) (XIX: 10)
____ Concept of fractional parts (VIII: 28-30)
____ Money values (VIII: 4,7,27) (XIX: 10)
____ Solving measurement problems (VIII: 3,27,37) (XIX: 10)
____ Solving problems without the use of pencil & paper (XIX: 6-10)
____ Solving percentage problems (VIII: 37)
____ Applying appropriate concepts to solve problems (VIII: 7-10,22)
____ Solving word problems involving more than one math function (VIII: 37)
____ Solving problems involving map mileage (VIII: 37)

INTELLECTUAL & VISUAL-MOTOR

____ Information (XIX: 3,4)
____ Similarities (XIX: 4-6)
____ Arithmetic (XIX: 6-10)
____ Vocabulary (XIX: 10-14)
____ Comprehension (XIX: 14-16)
____ Digit span/sentences (XIX: 16-19)
____ Visual-motor perception/integration (I: 23-32)
____ Laterality/directionality (I: 2-21)
____ Picture completion (XIX: 19,20)
____ Picture arrangement (XIX: 20-23) (VI: 17)
____ Block design (XIX: 23-25)
____ Object assembly (XIX: 25-27)
____ Coding/digit symbol/animal house (XIX: 27-29)
____ Mazes (XIX: 30)
____ Geometric designs (I: 23-32) (V: 22-24)

MISCELLANEOUS

____ Early childhood (X: 1-26)
____ Learning disabled (XI: 1-17)
____ Slow learner (XII: 1-3)
____ EMH (XII: 5-30)
____ TMH (XII: 32-36)
____ Gross motor (II: 1-11)
____ Bilingual (XIV: 1-7)
____ Mainstreaming (XVI: 1-6)
____ Classroom management (XVII: 1-9)
____ Medical aspects (XVIII: 1-13)

COMMENTS ____

SDE Form 5

STATE DEPARTMENT OF EDUCATION

John M. Folks, State Superintendent of Instruction

Learning Disabilities--Eligibility Team Summary

Name______________________________ Date______________

DOB__________ Grade Placement______________ School______________________

1. Summary of observation of academic performance/behavior in the regular class or age appropriate environment by a team member other than the child's regular teacher:

____

______________________________ ______________ Observer

2. The relationship of observed behavior to the child's academic performance. ______________

____

3. Educationally relevant medical findings:

____

____

4. A significant discrepancy exists between ability and the following achievement areas:

_______ Listening Commprehension

_______ Oral Expression

_______ Basic Reading Skills

_______ Reading Comprehension

_______ Written Expression

_______ Mathematics Calculation

_______ Mathematics Reasoning

5. Basis for making discrepancy determination:

____

____

6. Is there evidence of a severe discrepancy between ability and achievement which is not correctable without special education and/or related services: _____Yes _____No

7. *Ruled out as primary cause: (X)

___a. Physical/Sensory Handicaps

___b. Mental Retardation

_____c. Emotional Disturbance

_____d. Environmental, cultural, economic, disadvantaged

*If not ruled out, the child is not eligible for learning disabilities placement.

8. Student's Name:______________________________
_____does _____does not meet the criteria to qualify as learning disabled.

______________________________ Agree________ **Disagree______________
Classroom Teacher

______________________________ Agree________ **Disagree______________
Qualified Examiner

______________________________ Agree________ **Disagree______________
Learning Disabilities Teacher

______________________________ Agree________ **Disagree______________
Other Specialist

______________________________ Agree________ **Disagree______________
Other Specialist

**If the team member disagrees he/she must submit a separate statement presenting his/her conclusions.

SDE Form 6
(1 of 2)

STATE DEPARTMENT OF EDUCATION

John M. Folks, State Superintendent of Instruction

NOTIFICATION OF MEETING

To: ______________________________ Address ______________________________
Parent/Guardian/Surrogate Parent

____
City State Zip Code Phone

Name of Child ______________________________ Birthdate ____________________

School ______________________________ Grade ____________________

We would like to meet with you at ______________________________
Location Address

on ______________ at _____ _____ to discuss your child's:
Date Time

_____ Comprehensive Evaluation
_____ Reevaluation and Review of Placement/IEP
_____ Review of Placement/IEP
_____ Other ____________________

This conference will provide an opportunity to discuss your child's educational program and any changes that may be necessary for provision of appropriate services. You may ask anyone you wish to attend. Please review the following **proposed** action which appears to be appropriate and will be discussed with you at this meeting:

____

____. Please also review the following options which were considered and why they do not appear to be appropriate: ____________________

____.

The people indicated below, by position, will be in attendance:

Name	Position	Name	Position

Please contact the person at the address or phone number below by ___/___/___ as to whether you can meet with us at the time and place suggested or if other arrangements convenient for you should be made. As the parent of a child who has been formally evaluated and/or is receiving special education services, you have certain rights which are explained on the back of this form. Please review them carefully. Your child's educational program and services will not be changed without your prior notification and/or consent. If you have questions about your rights, or this notice, please contact the person below.

SIGNATURE ____
School/Public Agency Designee Address Phone No. Date

SCHOOL/USE ONLY: Notice sent by: _____ U.S. Mail _____ Personal Delivery on ____________________.

Translation/Interpretation needed: _____ NO _____ Yes. If yes, specify how and when provided ______________

____

STATE DEPARTMENT OF EDUCATION
PARENTS RIGHTS IN SPECIAL EDUCATION

(2 of 2)

As the parent/guardian/surrogate parent of a child who is receiving a formal evaluation and/or special education services, you have certain rights according to state and federal regulations. They are explained below in abbreviated form. If you have questions about special education services for your child or about these rights, please contact the State Department of Education, Special Education Section, 405/521-3351, or your local school/public agency.

RECORDS--You have the right to: (1) inspect and review your child's education records which shall be maintained confidentially at all stages; (2) ask for an explanation of any item in the records; (3) have a representative inspect and review the records; (4) request copies of records; the school /public agency may charge reasonable fees for copies but fees may not prevent the right to access; (5) be informed, on request, of locations of records being collected or used; (6) ask for an amendment of any record you feel is inaccurate, misleading, or violates privacy rights; (7) request a hearing if the school/public agency does not voluntarily amend records about which you have concern; (8) give or withhold consent to disclose your child's records; (9) be informed of persons that have accessed the records; (10) be informed before information in your child's file is to be destroyed.

CONSENT--Your consent must be given prior to an evaluation and before initial placement is made in special education. You may withhold or revoke consent at any time, understanding that in such cases the school/public agency has the right to request a hearing to determine if your child should be evaluated or placed in a special education program.

PROTECTION IN EVALUATION PROCEDURES--Testing and evaluation materials shall: be provided and administered in your child's native language or other mode of communication, unless it is clearly not feasible to do so; be validated for the specific purpose for which they are used; and be administered by trained personnel in conformance with the instructions provided by their producer. No single procedure will be used as the sole criterion for determining an appropriate educational program for your child and the evaluation will be made by a multidisciplinary team or group of persons, including one teacher or other specialist with knowledge in the area of suspected disability. Your child will be assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. You have the right to receive a description of each evaluation procedure, test, record, or report the school/public agency uses in this process. You have the right to have a reevaluation conducted for your child every three years or more often if warranted of if you or your child's teacher requests it.

INDEPENDENT EVALUATION--You have the right to: (1) be informed where an independent evaluation may be obtained; (2) be informed of the procedures for obtaining an independent evaluation at public expense and the conditions under which such an evaluation may be obtained; (3) an independent evaluation at public expense if the school's/public agency's evaluation is determined to be inappropriate; (4) have the independent evaluation considered when placement and program decisions are made.

LEAST RESTRICTIVE ENVIRONMENT--You have the right to: (1) have your child educated with nonhandicapped children to the maximum extent appropriate; (2) have your child educated in the regular educational environment unless the nature or severity of your child's handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; (3) have a continuum of alternative placements available for consideration; (4) have placement in the school your child would attend if nonhandicapped unless the individualized education program requires some other arrangement; (5) have your child provided an equal opportunity to participate in nonacademic and extra-curricular services and activities; (6) have consideration be given to any potential harmful effect on your child or on the quality of services your child needs.

INDIVIDUALIZED EDUCATION PROGRAM (IEP): You have the right to know that the local school/public agency shall give you the opportunity to participate in IEP development and all IEP reviews for your child. (300.345)

HEARING--You have the right to: (1) request an impartial due process hearing to question the identification, evaluation or placement of your child, or to question the provision of a free appropriate public education; (2) have a hearing decision from a state appointed hearing officer; (3) be told of any free or low-cost legal and other relevant services available; (4) see a statement of the qualifications of the hearing officer; (5) be advised and accompanied at the hearing by counsel and/or individuals with special knowledge or training in problems of the handicapped; (6) have your child present; (7) have the hearing open or closed to the public; (8) present evidence and confront, cross-examine, and compel the attendance of witnesses; (9) prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing; (10) have a written or electronic verbatim record of the hearing; (11) obtain written findings of fact and a written decision within 45 days after the State Department of Education receives the initial request for the hearing; (12) request an appeal of the hearing decision; (13) appeal in court a decision from the appeal hearing officer; (14) have your child remain in his or her present educational placement while the administrative proceedings are pending, unless you and the school/public agency agree otherwise; (15) request that certain fees incurred by you during these proceedings be paid by the school/public agency should you "prevail" in such proceedings, subject to the provisions of the Handicapped Children's Protection Act of 1986.

HOW TO REQUEST A DUE PROCESS HEARING--A request for a due process hearing must be in writing, addressed to the local school administrator, and include: your child's name, date of birth, current grade or class placement, and the reason for challenging the identification, evaluation, placement or appropriateness of the education for your child. A copy of this request must also be mailed to the State Department of Education, Special Education Section, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

STATE DEPARTMEN
John M. Folks, State Superinte
RECORD OF PAR

School Year

Name of Student ______________________________ Birthdate

Date of Contact	Purpose of Contact	How Contact Was Made/Attempted
1. ___/___/	______________________________	____________
2. ___/___/	______________________________	____________
3. ___/___/	______________________________	____________
4. ___/___/	______________________________	____________
5. ___/___/	______________________________	____________
6. ___/___/	______________________________	____________
7. ___/___/	______________________________	____________
8. ___/___/	______________________________	____________
9. ___/___/	______________________________	____________
10. ___/___/	______________________________	____________
11. ___/___/	______________________________	____________
12. ___/___/	______________________________	____________

REGULATIONS REQUIRE THAT ATTEMPTS TO CONTACT PARENTS FOR MEETI
meetings conducted without a parent in attendance, the agency must have a r
procedure used to notify parents is left to the discretion of the agency and ma
Education in Oklahoma regarding the required content of the notification to par

SDE Form No. 7

T OF EDUCATION
ndent of Public Instruction
ENT CONTACTS

______

e ______________ School ______________________

d	Person Making Contact	Response/Results of Contact

NGS BE DOCUMENTED in accordance with 34 CFR Section 300.345. For
ecord of its attempts to arrange a mutually agreed on time and place. The
ybe oral, written, or both. See *Policies and Procedures Manual for Special*
ents prior to meetings.

SDE Form 8

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Public Instruction
CATEGORICAL ELIGIBILITY STATEMENT

School Year ______

School District/Public Agency ______________________________ County ______________

Name of Student ______________________________ Birthdate ______________

School ______________________________ Grade ______________

The following team members determined the eligibility of the above named student for special education. It is our opinion that the student (is) (is not) eligible for special education programming for the

____
(Handicapping Category)

Signature ______________________ Position ______________ Date ____________

Signature ______________________ Position ______________ Date ____________

Signature ______________________ Position ______________ Date ____________

Signature ______________________ Position ______________ Date ____________

I have been consulted and (agree) (disagree) with the categorical eligibility of my child for special education services

designed for the ______________________ exceptional child. An explanation of the nature and content of the special education services offered has been given to me. I have received a written statement of my rights concerning this placement.

Signature of Parent/Guardian/Surrogate Parent ______________________________

Date ______________________

If this child is eligible for special education/related services, a continuum of alternative placements shall be available to meet his or her needs. This continuum includes: instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.

If this child is not eligible for special education programming, here are some recommendations for service in the regular classroom:

____

____

____

____

STATE DEPARTMENT

John M. Folks, State Superintend

INDIVIDUALIZED EDUC

Name ______________________________ School ______________

Address ______________________________ Grade __________ Bir

Statement of Child's Present Levels of Educational Performance ________ S

____

____

______________________________ S

____

Annual Goals: ______________________________

______________________________ G

____

____

____

Short Term Instructional Objectives (Measurable)	Specific Educa & Related Se

SDE Form 9
(1 of 3)

OF EDUCATION
ent of Public Instruction
ATION PROGRAM

Date ____________________

thdate ____________________ Age ____________________

tatement of Strengths:____________________

tatement of Weaknesses:____________________

ive reason for removal from the regular educational environment:

tional rvices	Position/Person(s) Responsible	Amount of Time	Beginning Date	Ending Date	Evaluation Procedures	Objective Achieved

Short Term Instructional Objectives (Measurable)	Specific Educational & Related Services	Position/Person(s) Responsible
Physical Education Regular ☐ Not Applicable ☐ Explain:		
Adaptive ☐ Objective:		
Vocational-Technical Education Yes ☐ Objective:		
No ☐ Explain:		
Vocational Rehabilitation Yes ☐ Objective:		
No ☐ Explain:		
Amount of time in regular classroom(s) ________________ Adaptations: No ☐ Yes ☐ Objective:		

Comments: ____________________________

____

____

____

____

____

Least Restrictive Environment:
All team members agree that this IEP represents the least restrictive environment for this student. Yes ☐ No ☐
If no, explain:

Date of Next IEP meeting __________________

(3 of 3)

Amount of Time	Beginning Date	Ending Date	Evaluation Procedures	Objective Achieved

Participants in IEP Team Meeting

Parent(s) ______________________

Special Education Teacher ______________________

Regular classroom Teacher ______________________

Administrative Representative ______________________

Others: ______________________

Parents Present Yes ☐ No ☐

Participation in state mandated group testing requested by parents Yes ☐ No ☐

SDE Form 9

STATE OF OKLAHOMA

John M. Folks, State Superintendent of Instruction

Individualized Education Program

1. Name — Address of Student

2. School — Birthdate — Age

3. Date (date of writing) — Grade (grade or applicable placement)

4. Statement of the Child's Present Levels of Education Performance

The statement of present levels of educational performance will be different for each handicapped child. Thus, determinations about the content of the statement for an individual child are matters that are left to the discretion of participants in the individualized education program meetings. However, the following are some points which should be taken into account in writing this part of the individualized education program.

a. The statement should accurately describe the effect of the child's handicap on the child's performance in any area of education that is affected, including (1) academic areas (reading, math, communication, etc.), and (2) nonacademic areas (daily life activities, mobility, etc.)

NOTE: Labels such as "mentally retarded" or "deaf" may not be used as a substitute for the description of present levels of educational performance.

b. The statement should be written in objective measurable terms, to the extent possible. Data from the child's evaluation would be a good source of such information. Test scores that are pertinent to the child's diagnosis might be included, where appropriate. However, the scores should be (1) self-explanatory (i.e., they can be interpreted by all participants without the use of test manuals or other aids), or (2) an explanation should be included. Whatever test results used should reflect the impact of the handicap on the child's performance. Thus, raw scores would not usually be sufficient.

c. There should be a direct relationship between the present levels of education performance and the other components of the individualized education program. Thus, if the statement describes a problem with the child's reading level and points to a deficiency in a specific reading skill, this problem should be addressed under both (1) goals and objectives, and (2) specific special education and related services to be provided to the child.

5. Summary Statements of Strengths and Weaknesses

Information for these statements should be taken from teacher and parent observations, the psycho-educational evaluation and other pertinent sources. These statements should address a child's special learning skills and needs, i.e., verbal/language skills, motor skills, behavior, etc.

6. Statement Regarding Reason for Removal from the Regular Educational Environment

Describe unsatisfactory performance experienced in regular educational environment even with adaptation.

7. Annual Goals

The annual goals in the individualized education program are statements which describe what a handicapped child can reasonably be expected to accomplish within a twelve month period in the child's special education program. There should be a direct relationship between the annual goals and the present levels of educational performance.

8. Short Term Instructional Objectives (Measurable)

"Short term instructional objectives" (also called "individualized education program objectives") are measurable, intermediate steps between a handicapped child's present levels of educational performance and the annual goals that are established for the child. The objectives are developed based on a logical breakdown of the major components of the annual goals, and can serve as milestones for measuring progress toward meeting the goals.

In some respects, individualized education program objectives are similar to objectives used in daily classroom instructional plans. For example, both kinds of objectives are used (1) to describe what a given child is expected to accomplish in a particular area within some specified time period, and (2) to determine the extent to which the child is progressing toward those accomplishments.

In other respects, objectives in individualized education programs are different from those used in instructional plans, primarily in the amount of detail they provide. Individualized education program objectives provide general benchmarks for determining progress toward meeting the annual goals. These objectives should be projected to be accomplished over an extended period of time (e.g., an entire school quarter or semester). On the other hand, the objectives in classroom instructional plans deal with more specific outcomes that are to be accomplished on a daily, weekly, or monthly basis. Classroom instructional plans generally include details not required in an individualized education program, such as the specific methods, activities, and materials (e.g., use of flash cards) that will be used in accomplishing the objectives.

9. Specific Educational and Related Services

Specific educational services are programs, instruction and/or unique materials and equipment specially designed to meet the individual educational needs of the student. List the type of service delivery. For example: lab or resource room, self-contained classroom, itinerant teacher, home-based instruction, regular classroom with adapted material/equipment designed for the hearing, visually, orthopedically, or other impaired. If unique/adapted materials are not used, nothing need be listed. "Unique" materials are *not* texts or programs normally available in the regular classroom or lab.

Related services are developmental, corrective, and other supportive services which assist a handicapped child to benefit from special education. These are determined by the individualized education program team and may include transportation, speech/language therapy, psychological evaluations, counseling, and other services.

10. Position/Person(s) Responsible

Indicate position or person delivering the service. Parent and student should be included as appropriate.

11. Amount of Time

Estimate the time allocated to meet the specific objective, i.e., 30 minutes daily, one hour twice a week.

12. Beginning Date

Indicate the date service is to begin.

13. Ending Date

Indicate the projected date for meeting each objective.

14. Evaluation Procedures

List evaluation procedures to be used to determine if short term objectives have been met, i.e., standardized tests, teacher-made tests, observation(s), etc.

15. Objective Achieved

Indicate by writing yes or no if each objective has been achieved. This should be done at least annually.

16. Physical Education

Each handicapped child must be afforded the opportunity to participate in the regular physical education program available for nonhandicapped children. Adaptive physical education is required if needed (this must be addressed on the individualized education program with measurable objective). Check appropriate box. Explain if *not applicable* is checked, i.e., medical, requirements completed, etc.

17. Vocational-Technical Education and Vocational Rehabilitation

Every eligible handicapped student must be afforded the opportunity to participate in vocational skills training and rehabilitative services as deemed necessary by the individualized education program team. This decision is based on the student's vocational needs as would enhance his/her transition from school to independent living. The rehabilitation counselor and skills instructor must be involved in the determination of appropriate programming and services. This must be addressed on the individualized education program with measurable objectives.

18. Amount of Time in Regular Classroom(s)

The amount of time should be listed as appropriate for the situation: minutes, hours, periods, portion of the day, percentage of time of the school day, etc. Address specific adaptions that may be necessary to implement objectives in regular classrooms.

19. Comments

Include any relevant information about the meeting not noted elsewhere on the individualized education program.

20. **Date to Review Individualized Education Program Meeting**

Record the date of the next scheduled individualized education program meeting (must be at least annually).

21. **Least Restrictive Environment**

This documents team consideration of least restrictive environment.

22. **Participants in Individualized Education Program Development**

The team includes the child's parent, an administrator or his/her representative, the special teacher, a regular teacher and others as appropriate. The individualized education program must be developed in a meeting. Parents must be present and participate at each meeting or are afforded the opportunity to participate as outlined on page 32 of this manual.

23. **State Mandated Group Testing**

This documents parent's request and subsequent permission for this student to participate in the state mandated testing.

SDE Form 10

STATE DEPARTMENT OF EDUCATION

John M. Folks, State Superintendent of Public Instruction

REVIEW OF PLACEMENT/IEP

Date of Review ____________

Child's Name ______________________________ Date of Birth ____________

Address ____
Street or P. O. Box City Zip

Telephone __________ Parent ______________________________

I. Present Program: (exceptionality areas, service delivery type, related services)

____

____

II. Assessment of Status: (progress in attainment of IEP objectives)

____

____

____

(See attached achievement data and other evaluation information)

III. Recommendations:

_____ Return to regular classroom full-time

_____ Decrease amount of time in special education programming

_____ Continue same type of service delivery

_____ Increase amount of time in special education programming

_____ Explore other alternative (Describe)

____

____

Basis for making above recommendations(s) ______________________________

____

IV. Additional Comments: ______________________________

____

____

Review of Placement/IEP Team

______________________________ Special Education Teacher

______________________________ Regular Classroom Teacher

______________________________ Administrator or Designee

______________________________ Parent(s)

______________________________ Others

SDE Form 11

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Public Instruction

CONFIDENTIALITY PROCEDURES

In ____(School)

____(Name)

____(Position)

will be responsible for all confidential records of handicapped students.

These records will be kept in ______________________________(Place) and will be secured in a locked area. All confidential records will be kept in a separate folder and not in the child's regular school cumulative folder.

The following persons who are responsible for the handicapped student's education, the parent/guardians, and the student if he is over 18 years old, may have access to the records:

Special Education Teacher
Regular Teacher
Administrators and designated Administrative Personnel
Counselors, including Vocational Rehabilitation
State Department of Education Personnel
Vocational-Technical Education Personnel
Parents/Guardians
Student (if over 18 years old)
Related Service Providers
Paraprofessionals
Student Teachers
School Nurses
Social Workers

Anyone not on this list must have written parental permission to access the confidential records. Parents may request and receive copies of their child's records. This will be at a minimal cost.

In each student's folder of confidential records, a form will be kept showing a record of who saw the records, on what date, and the purpose.

All confidential records, except the information needed on transcripts, will be destroyed when their usefulness is over (but not sooner than five years). Parents will be notified 60 days before destruction and will be offered the opportunity to obtain the documents.

Parents have a right to protest or challenge the accuracy of all records. Documentation of action resulting from the protest should be kept in the student's file.

These confidentiality procedures will be posted around the school at strategic locations.

____
Signature of Superintendent

SDE Form 12

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Public Instruction
Release of Information

I hereby give ______________________________
(Agency Name)

permission to release ______________________________
(Child's Name and Date of Birth)

pertinent test information and/or medical results to ______________________________

____
(Agency Name)

____
(Date)

____
Parent or Legal Guardian Signature

SDE Form 13
(1 of 2)

STATE DEPARTMENT OF EDUCATION

John M. Folks State Superintendent

EYE REPORT
FOR CHILDREN WITH VISUAL PROBLEMS

Full legal name of child ______________________________
Last First Middle

Birthdate ____________ Sex _____ Home School ____________________ Grade ________

Legal Guardian ____________________ Address ____________________ Phone __________

Suggested Eligibility Standards: 20/70 Vision or less, or visual impairment which even with best correction adversely affects performance in a regular class.

Vision Without Glasses----------------------------	Distant	____________	Distant	____________
	Near	____________	Near	____________
Vision With Glasses ---------------------------- (Visual Acuity)	Distant	____________	Distant	____________
	Near	____________	Near	____________

I. CAUSE OF BLINDNESS OR VISUAL IMPAIRMENT

A. Present ocular conditions responsible for vision impairment. (If more than one, specify all but underline the one which probably first caused severe vision impairment.)
O.D. ____________________
O.S. ____________________

B. Preceding ocular condition, if any which led to present condition, specified in A.
O.D. ____________________
O.S. ____________________

C. Etiology (underlying cause) of ocular condition primarily for vision impairment. (e.g., specific disease, injury, poisoning heredity or other prenatal influence.)
O.D. ____________________
O.S. ____________________

D. If etiology is injury or poisoning, indicate circumstances and kind of object or poison involved.

____

E. Probable age at onset of vision impairment. Right Eye (O.D.) _____ Left Eye (O.S.) _____

F. Is there impaired color perception? _______ If so, for what color(s)? ____________________

G. Does this child have a peripheral field of less than 20 degrees? _____ Yes _____ No

Does this child have restricted field? _____ Yes _____ No Degrees ____________

H. What is your prognosis of this child's condition? ______________________________

I. Is the condition stationary in your opinion? ______________________________

(2 of 2)

II. RESTRICTIONS:

Close eye work ______________________ Physical Activity ______________________

Lighting Considerations ______________________

Need for low vision aid ______________________

III. PREFERRED VISUAL ACUITY NOTATIONS

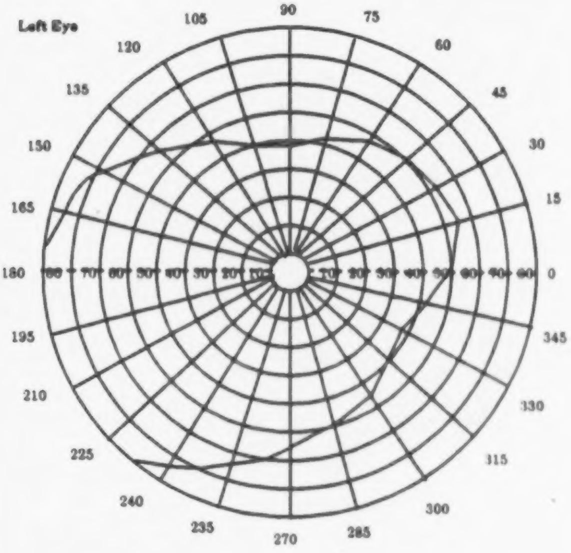
A. DISTANT VISION: Use Snellen notation with test distance of 20 feet. (Example: 20/100, 20/60). For acuities less than 20/200 record distance at which 200 foot letter can be recognized as numerator of fraction and 200 as denominator. (Example: 10/200, 3/200). If the 200 foot letter is not recognized at one foot record abbreviation for best distant vision as follows:

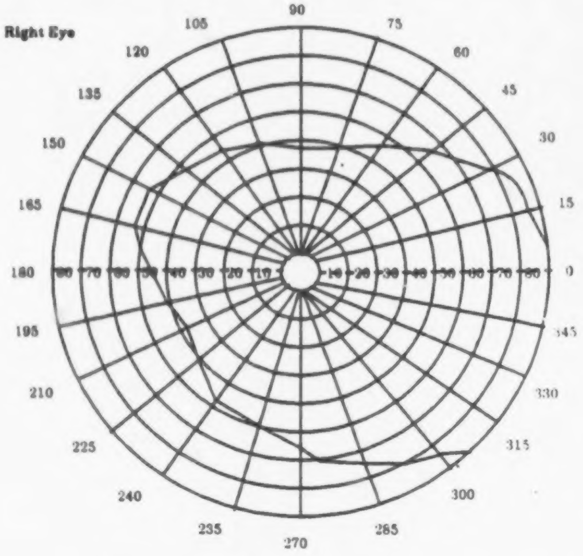
HM	HAND MOVEMENTS (Specify inches or feet)
PLL	PERCEIVES AND LOCALIZES LIGHT IN ONE OR MORE QUADRANTS
LP	PERCEIVES BUT DOES NOT LOCALIZE LIGHT
No LP	NO LIGHT PERCEPTION

B. NEAR VISION: Use standard A.M.A. notation and specify best distance at which pupil can read. (Example: 14/70 at 5 inches).

IV. FIELD OF VISION: Record results on chart below.

Type of test used: ______________________ Illumination in foot candles: ______________________


Left Eye
90
75
60
45
30
15
0
345
330
315
300
285
270
235
240
225
210
195
180
165
150
135
120
105
80 70 60 50 40 30 20 10
10 20 30 40 50 60 70 80


Right Eye
90
75
60
45
30
15
0
345
330
315
300
285
270
235
240
225
210
195
180
165
150
135
120
105
80 70 60 50 40 30 20 10
10 20 30 40 50 60 70 80

Test Object: Color(s) ________ Size(s) ________

Distance(s): ______________________

Test Object: Color(s) ________ Size(s) ________

Distance(s) ______________________

Other Comments: ______________________

____

Examiner: ______________________

Address: ______________________

Date: ______________________

XV. SELECTED OKLAHOMA STATE LAWS
FOR
SPECIAL EDUCATION

ARTICLE XIII

SPECIAL EDUCATION FOR EXCEPTIONAL CHILDREN

Section 213. Programs for Special Education--Exceptional Children Defined. The several school districts of Oklahoma are hereby authorized to provide special services necessary for exceptional children as hereinafter defined. Two or more school districts may establish cooperative programs of special education for exceptional children when such arrangement is approved by the State Board of Education. The county superintendent of schools of any county may establish and maintain a special education program, with the approval of the State Board of Education, and county funds may be expended for such purpose. Any school district or districts located wholly or in part in a county may participate in any such program so established by the county superintendent of schools and shall have authority to contribute school district funds, either directly or by reimbursement to the county participating in such program. Funds may be expended for school services for an additional period not to exceed forty (40) days during the summer months for approved programs for qualified children, who are severely or profoundly multiple-handicapped, provided their individualized education program (IEP) states the need for a continuing educational experience to prevent loss of educational achievement or basic life skills. Exceptional children shall mean educable mentally handicapped children, trainable mentally retarded children, speech-defective children, emotionally disturbed or perceptually handicapped children, children with special health problems, children requiring the services of a visiting counselor, children with specific learning disabilities as a result of neurological impairment, multiple-handicapped children and other handicapped children of four years of age as of the first day of September of the school year; provided that there shall be no set minimum age for children who are blind and partially blind children, deaf and hard-of-hearing children and low incidence severely multiple-handicapped children, i.e., deaf-blind, retarded-cerebral palsied, autistic and other children failing to thrive from birth; further provided conditions are such that it is impractical or impossible for them to benefit from or participate in the regular classroom program of the public schools in the district in which they reside and whose education requires a modification of the classroom program. Provided, that the attendance of said children in special education classes shall be included in the average daily attendance computations for State Aid purposes.

It shall be the duty of each school district to provide special education for all exceptional children as herein defined who reside in that school district. This duty may be satisfied by:

1. The district directly providing special education for such children;

2. The district joining in a cooperative program with another district or districts to provide special education for such children;

3. The district joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard-of-hearing, or for children who are blind or partially blind; or

4. Transferring certified exceptional children to other school districts which accept them and provide special education for such children, with the district in which the child resides paying tuition therefore as hereinafter provided. **(70-13-101)**

See Section 228 herein as to Special Education programs for partially sighted children.

> School district has obligation to provide special education for exceptional and handicapped children, which may be fulfilled by any of several authorized methods, including transfers to other districts, September 29, 1972.
>
> Local School Districts and not State Department of Education have primary responsibility for providing special education programs. May 27, 1977. AG Op. No. 77-169.
>
> No minimum age requirement for participation in special education program for children classified as "other children failing to thrive from birth." May 27, 1977. AG Op. No. 77-169.
>
> Parents of child under age of 3 years who has been identified as eligible for receiving instruction and services pursuant to Individualized Education Program have right to a "Due Process Hearing" for any of the reasons any other handicapped child may request a hearing. February 24, 1982. AG Op. No. 82-61.

Section 214. Eligible Minimum Period of Attendance. The determination whether a child is eligible for special education shall be made by the board of education of the school district in which such child resides, under rules and regulations approved by the State Board of Education; provided; however, that the eligibility of exceptional children shall be reevaluated at least once every three (3) years. Any child determined to be eligible shall be permitted to receive such special education for a minimum period of twelve (12) years.

In those instances involving the proposed transfer of exceptional children from one district to another, the State Board of Education is authorized to promulgate rules and regulations for the reimbursement to the local board of education for payment of charges for the services of psychologists and physicians as necessary for ascertaining eligibility of pupils for special education and, as to those accepted for special education instruction, for reimbursement to the local board of education for expenditures made for any subsequent reevaluation deemed desirable by the board of education of the district providing special education instruction of the pupil. **(70-13-102)**

> A child is entitled to continue special education at junior high school and high school level if he is capable. September 29, 1972.
>
> Home district must bear cost of determining eligibility for special education. September 29, 1972.
>
> Not mandatory to provide classes for trainable mentally retarded children until they reach 21 years of age, but only that classes be provided for a minimum of 12 years. January 9, 1976.

Section 215. Authorized Provisions for Education of Exceptional Children. Any school district in the state may provide suitable facilities and employ qualified teachers and therapists for exceptional children, either in schools, classrooms, or in such other places as the board of education of the district may deem advisable. When school district does not provide special education facilities and qualified teachers, said children may be transferred to another school district, with the consent of the board of education thereof, where suitable facilities and teachers are provided. Transfers authorized by this section shall be made under such rules and regulations as the State Board of Education may prescribe to a result that the sending district sustain an equitable proportion of the operating costs of the program of the district to which the pupil is transferred. When an exceptional

child or pregnant child is unable to attend any school or class in the district of which he is a resident, the board of education of said district, with the approval of the State Board of Education, may provide for home instruction for such child. The State Board of Education is further authorized to cooperate with any school district of the state to make it possible for any exceptional child to attend the regular school by making special provisions for the transportation of such child, or for special equipment, devices, books, supplies or other facilities, or for special instruction within the regular school building. (70-13-103)

> School District has an obligation to provide special education for exceptional handicapped children which may be fulfilled by any of several authorized methods, including transfers to other districts. September 29, 1972.
>
> Sending district must reimburse receiving district for transferred student's share of receiving district's cost in conducting special education. September 29, 1972.
>
> Provisions of this Section as to transfers of exceptional children superseded general school transfer statutes. January 13, 1984. AG Op. No. 83-79.

Section 216. Special Classes of Individual Instruction for Children in Institutions. Special classes or individual instruction provided for pretubercular, tubercular, convalescent or other physically handicapped children in hospitals, sanatoriums and preventoriums may be maintained by a school district in such institutions within or without the boundaries of such district, and the attendance of pupils therein shall be credited to the district providing such instruction. **(70-13-104)**

Section 217. Qualifications of Teachers and Minimum Requirements. The State Board of Education is hereby authorized to determine and prescribe the qualifications of all persons who teach exceptional children, to define, classify and determine standards of eligibility of all exceptional children to receive special education, to fix minimum requirements for special education of exceptional children, and to make such rules and regulations as it deems necessary for the teaching of exceptional children. **(70-13-105)**

Section 218. State Appropriations--Distribution. State monies appropriated to carry out the provisions of laws dealing with the education of exceptional children shall be apportioned by the State Board of Education among the various school districts of the state providing such educational facilities for exceptional children in accordance with the standards and rules and regulations prescribed by the State Board of Education. State funds for the education of such exceptional children shall be distributed on a teaching unit basis in accordance with rules and regulations to be adopted for such purpose by the State Board of Education. The State Board of Education shall determine the size of classes and other requirements for all such teaching units. **(70-13-106) (Amended by H.B. 1072 of the 1977 Legislature)**

Section 219. Federal Funds. The State Board of Education is hereby empowered to accept and disburse any grants or funds that may be matched by or received from the federal government for the education of exceptional children and to make necessary rules and regulations for such purpose. **(70-13-107)**

Section 220. State Funds--Allowances for Special Education.

A. The State Board of Education is hereby authorized to establish all necessary rules and regulations and set the rate of reimbursement for physical and occupational therapists, teachers of homebound children or home-to-school telephone instruction, board and room for transferred handicapped children to attend a special class, travel for transporting handicapped and exceptional children within or without the district, and travel for teachers who are required to travel in fulfilling the services for handicapped children in homebound, cooperative, or country programs for exceptional children.

B. The State Board of Education may make provisions for boarding exceptional children who must be transferred from their home school districts to school districts providing special education, but in no case shall the reimbursement from other state funds for this purpose exceed Four Hundred Fifty Dollars ($#450.00) per child per year.

C. The State Board of Education may make provisions and payments therefor from other state funds for the special education of any deaf and blind child, resident of the state, in any private or public institution, either inside or outside the State of Oklahoma, but in no case shall payment from state funds for such special education, including board and room for such child, exceed Five Thousand Dollars ($5,000.00) per child per year.

D. None of the funds received by a school district under the provisions of this section shall be construed as a part of the chargeable income of such district for State Aid purposes.

> Handicapped children other than deaf and blind students may be placed outside of the State if necessary to comply with Federal Education For All Handicapped Children's Act. March 18, 1983. AG Op. No. 83-5.

Section 221. Personnel to Administer Article. The State Board of Education shall appoint and employ and fix the compensation and duties of necessary personnel and incur other necessary expenses, including cost of consultants, to administer and carry out the provisions of this article, and such compensation and other expenses shall be paid from any funds appropriated to carry out the provisions of this article. **(70-13-109)**

Section 222. Teachers--Pay. Qualified and properly certified teachers of special education shall be paid a minimum of five percent (5%) above the prevailing wage paid teachers of normal children in the same school district. **(70-13-110)**

Section 223. Register to be Maintained--Needs to be Met. The State Board of Education shall have power and it shall be its duty.:

1. To maintain a register of educable mentally-handicapped children, trainable mentally-retarded children, speech-defective children, emotionally-disturbed children, perceptually-handicapped children and other handicapped children and to use all means and measures necessary to meet the physical needs of all educable and trainable such children, as provided by law; and

2. To stimulate all private and public efforts to relieve, care for, cure, educate or train handicapped children, and to coordinate such efforts with the work and function of governmental agencies. **(70-13-111)**

B. 1. The Department of Mental Health, the State Department of Health, the Department of Human Services, the State Department of Education, and the State Department of Vocational and Technical Education shall jointly develop and implement through interagency memoranda of agreement as authorized in the Interlocal Cooperation Act a plan for the coordinated delivery of related services to exceptional children with nominal cost to the school district. The development of the plan for the delivery of related services shall be coordinated by the State Department of Education, which shall evaluate and review the implementation of the plan and include its findings in an annual report to the Legislature.

2. Implementation of said plan shall begin with the 1983-84 school year, and shall utilize the resources available to each of the agencies specified in this subsection as appropriate to each agency for the delivery of related services.

3. As used in this subsection, "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist an exceptional child, as defined in Section 13-101 of this title, to benefit from special education, and includes but is not limited to speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of exceptional children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes health services, social work services, and parent counseling and training services available to the citizens of this state. **(70-13-111)**

OTHER SECTIONS OF THE LAW RELATING TO HANDICAPPED CHILDREN

ARTICLE V
SCHOOL DISTRICTS AND BOARDS OF EDUCATION

Section 84. Students of Legal Age--Completion of Twelfth Grade. Any person who is of legal age and a resident of Oklahoma over the age of twenty-one (21) and under the age of twenty-six (26), and who has not completed the twelfth grade in school shall be given the same educational privileges and opportunities provided by law for children over the age of five (5) and under the age of twenty-one (21), upon submitting to the board of education of the school district in which said person resides evidence satisfactory to that board showing that during the time before he was twenty-one (21) years of age he was unable to attend school for a definite period or period of time because of *physical disability*, or service in the United States Armed Forces or Auxiliary Organizations, by reason whereof it was impossible for him to complete the twelfth grade before reaching the age of twenty-one (21). Provided, further, said pupil shall be counted in the average daily attendance of the district where he attends school during the period of time provided for in this article for the purpose of calculating State Aid for the district. **(70-5-132)**

> Attendance of person before he is 26 years old can be counted in daily attendance only for same number of school days he missed school because of *physical disability* or military service. August 3, 1962.

ARTICLE VIII
TRANSFER OF PUPILS

Section 161. Grounds for Transfer.

A. The county superintendent of schools shall grant an application for transfer of a child from the district in which he resides to another school district furnishing instruction in the grade he is entitled to pursue if such transfer has the approval of the boards of education of the sending and receiving districts. A student granted a transfer during the 1972-73 school year, or any school year thereafter, may continue to attend the school to which he transferred with approval of the receiving district only, and any brother or sister of such student may attend such school with approval of the receiving district only, provided that this provision shall not apply to emergency transfers or pupils transferred for the purpose of attending classes in *special education* or a graduating senior in counties having a population of four hundred fifty thousand (450,000) or above, previously legally enrolled in the school district to which he wishes to transfer, or to students with *catastrophic medical problems*. Provided; however, if the grade such child is entitled to pursue is not offered in the district where such child resides, the transfer must be approved. Provided, a child may be transferred by the State Board of Education to a school district in another state, if the board of education of the school district in which the child resides and the board of education of the high school district in whose transportation are the child resides determines that the best interests of the child will be best served by such transfer. No transfer shall be granted for any reason not hereinbefore specified. no child shall be transferred under the provisions of this article to a school district other than the one designated in the application for his transfer.

B. When a child. . . **(70-8-102)**

> Long continued acquiescence in pupil transfers can preclude District from denying legality of transfers. 553 P.2.d 150.

District not required to approve student's transfer merely because transfer of student's brother was approved. 554 P.2d 12.

District's refusal to approve pupil's application for transfer to out-of-state school district solely on policy of denying any out-of-state transfer is contrary to law. 380 P.2d 943.

"Best interest of child" is not proper ground for transfer. 531 P.2d 335.

Fact district does not offer classes in music and band does not authorize transfer on ground district does not offer grade child is entitled to pursue. 513 P.2.d 287.

District Court cannot approve transfer on nonstatutory ground. 531 P.2d 335.

ARTICLE XVIII
STATE AID

Section 308. Definitions.

A. As used in Sections 18-109.3 and 18-109.4 of this act:

1. "Vision impaired" means a visual impairment which, even with correction, adversely affects a child's educational performance;

2. "Children with learning disabilities" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, written or spoken, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

3. "Hearing impaired" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance;

4. "Economically disadvantaged" means all children who qualify for free or reduced lunches. Provided, for the school year 1981-82, economically disadvantaged shall mean children who qualify and participate in a program for free or reduced lunches;

5. "Educable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

6. "Emotionally disturbed" means emotional problems preventing adjustment in regular class including:

a. an inability to learn which cannot be explained by intellectual, sensory or health factors,

b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers,

c. inappropriate types of behavior or feelings under normal circumstances,

d. a general pervasive mood of unhappiness or depression, or

e. a tendency to develop physical symptoms or fears associated with personal or school problems;

The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed;

7. "Gifted" means identified students as outlined in Section 1210.301 of Title 70 of the Oklahoma Statutes;

8. "Multiple handicapped" means concomitant impairments, such as mentally retarded/blind, mentally retarded/orthopedically impaired, and other combinations, the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf/blind children;

9. "Physically handicapped" means a severe orthopedic impairment or an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly, and impairments from other causes;

10. "Speech impaired" means a communication disorder, such as stuttering, impaired articulation, language impairment, or voice impairment, which adversely affects a child's educational performance;

11. "Trainable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

12. "Deaf/Blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children;

13. "Bilingual" means those students who have limited English speaking abilities or who come from homes where English is not the dominant language as reported on the prior year application for accrediting; and

14. "Special Education Summer Program" means those summer school programs which school districts may provide for children who are severely or profoundly multiple-handicapped if their individualized education program states the need for a continuing educational experience to prevent loss of educational achievement or basic life skills. Any school district receiving funds for such special education summer programs shall provide services as provided in Section 13-101 of this title. Provided, during the 1982-83 school year the State Department of Education shall obtain data related to the number of children who would qualify for summer school special education programs and the number of children who are being served in summer school special education programs.

B. The State Board of Education is hereby authorized to modify and redefine by regulation the definitions set out in this section whenever such modification is required to receive federal assistance therefor. **(70-189-109.5)**

Section 309. Adjustments and Limitations.

A. If any district, or part of a district, becomes a part of another district by consolidation, annexation, or otherwise, the following procedure shall be followed in calculating aid to the new district or districts so formed:

1. If the annexation or consolidation occurs after budgets have been approved by the county excise board and the tax levies approved, the State Aid for the current year shall be calculated for each district as it existed prior to the annexation and prorated to the annexing district or districts on the basis of average daily attendance.

2. If the annexation occurs prior to approval of the school district budgets by the county excise board, the annexed district shall be merged with the annexing district or districts and State Aid shall be calculated according to the formula provided by this act.

B. A full term of school under the provisions of this article shall consist of ten (10) school months in which school has been in session not less than one hundred eighty (180) days; provided, however, that five (5) days may be used for attendance at professional meetings. Beginning with the 1982-83 school year, any school district that does not maintain school for a full term shall have its State Aid reduced proportionately unless it has received written approval to maintain school for less than a full term from the State Board of Education. the State Board of Education shall not approve any request to maintain school for less than a full term unless such request meets the requirements of Section 1-109 of this title.

C. If a school district operates a school located in a state institution for pupils of school age, the attendance of such children shall be included in the attendance of such school district for the purpose of calculating State Aid of the district.

If a school district operates a school located in a state institution for the pupils of school age incarcerated in such institution, the attendance of such children shall be included in the attendance of such school district for the purpose of calculating State Aid of the district. Provided, such attendance shall not be used for apportioning other miscellaneous revenue; and such school district State Aid shall be paid in the amount of the Foundation Program Aid and Incentive Aid of such school as provided in this article.

D. 1. If a public school district in this state furnishes educational services to a child who resides in a public or private or public residential child care or treatment facility, the receiving school district shall receive from the district in which the child has residence a fee in the amount of the per capita cost of the receiving district for current expenditures for the education of such resident. The amount of the expenditures shall be determined based upon the cost of teachers, equipment, material, and other direct educational costs associated with the education of such child prorated by the number of days the child has been enrolled in the receiving district. The average daily attendance (ADA) of such child shall be credited to the district of residence as defined in paragraph 6 of the subsection A of Section 1-113 of this title.

2. The school district in which the child has residence shall appropriate and pay the fee provided for in paragraph 1 of this subsection to the district which receives and educates such child. If a school district fails, neglects or refuses to appropriate and pay such fee, the school district entitled to receive such fee shall certify such fact to the Finance Division of the State Department of Education. Upon receipt of such certification, the Finance Division shall deduct the amount of the fee from any State Foundation Program or Incentive Aid otherwise due the sending district and transmit such amount to the receiving district.

E. Upon determination by the county superintendent that a legal residence for a child placed in a public or private residential child care or treatment facility does not exist, the district in which the facility is located shall be the district of residence and the average daily attendance of such child shall be credited to such district.

In addition, the Legislature shall appropriate funds to the State Board of Education to reimburse the district for the expenditures of such child. The educational costs shall be determined based upon the cost of teachers, equipment, material, and other direct educational costs associated with the education of such child prorated by the number of days the child has been enrolled in the district.

The district shall file a claim with the State Board of Education for reimbursement of the educational costs. Such reimbursement from the State Board of Education shall not exceed the district average per capita expenditure for the preceding school year less the amount of state dedicated and appropriated funds generated by the average daily attendance of such child.

The State Board of Education is hereby authorized to establish all necessary rules and regulations and apportion such funds in order to carry out the provisions of this act. If funds appropriated are not sufficient to meet the requirements of this provision, the amount per claim shall be reduced proportionately.

F. If any school district shall fail, neglect or refuse, for any reason whatsoever, to provide special education for a handicapped exceptional child, certified as such by competent authorities and residing in such district, as directed in Section 13-101 of this title, the following is hereby authorized:

1. Such child shall be entitled, upon petition by the child's parent or guardian, without consent, or approval of the school district not providing special education, to transfer to any adjacent or nearby school district which will accept the handicapped exceptional child and provide the special education which such child is entitled to receive. The school district in which a child transferring under this section resides shall pay to the district receiving and educating such child, as tuition, a special education transfer fee as provided in paragraph 2 of this subsection. Provided the average daily attendance of such child shall be credited to the home district of such transferee.

2. The special education transfer fee shall be the per capita cost of the receiving district for current expenditures for the special education of such handicapped exceptional child based upon the cost of teachers, equipment, material, and special costs associated with the special education class.

3. It shall be the duty of the school district from which such handicapped exceptional child transfers to appropriate and pay such special education transfer fee to the district which receives and educates such child. If a school district owing such special education transfer fees shall fail, neglect or refuse for any reason whatsoever to appropriate and pay such special education transfer fees, then the school district entitled to receive such fees shall certify such fact to the Finance Division of the State Department of Education. Upon receipt of such certification, the Finance Division shall deduct the amount of the special education fee from any State Foundation Program or Incentive Aid otherwise due the sending district and transmit such amount to the receiving district.

4. The sending school district shall also be obligated to pay the special education transfer fee whenever it has transferred a student to another school district for purposes other than to acquire special education, but where the student is subsequently found to require such special education, is determined to be eligible by the Special Education Division of the State Department of Education, and is placed in an appropriate special education program by the receiving school district. For purposes of this paragraph, the special education transfer fee shall be as provided by paragraph 2 of this subsection, prorated by the receiving school district according to the number of days the student has been enrolled in the special education program. (70-18-110)

District may maintain school for less than a full term if conditions exist which make maintenance impossible, but district's State Aid must still be reduced if it does not meet requirements of a full school term. November 26, 1980. AG Op. No. 80-243.

ARTICLE XII
MISCELLANEOUS

Section 705. Deaf Children--Special Education.

A. It shall be the right of every child who is deaf or so hard-of-hearing that he cannot participate in the regular public school program to receive an appropriate education at the expense of the State of Oklahoma. It shall be the duty of every school district to seek out and identify every such child between the ages of two (2) and twenty-one (21) at the earliest possible age under procedure to be prescribed by regulations of the State Department of Education. It shall be the duty of every parent or other person having custody of such child to cause such child to be enrolled in and attend a school which provides special education for such deaf children.

B. The State Department of Education may establish educational programs for preschool deaf and hard-of-hearing children by regional education service centers. Such programs shall serve preschool deaf and hard-of-hearing children from the age the hearing impairment is detected by a licensed physician or audiologist. Such programs shall also include a course of instruction for the parents of deaf and hard-of-hearing children. **(70-1210.171)**

THE STATE BOARD OF EDUCATION
REGULATIONS FOR ADMINISTRATION AND
HANDBOOK ON BUDGETING AND BUSINESS MANAGEMENT

Bulletin No. 145-W
1986-87

Regular Special Education Transfer:

In order that a child, identified pursuant to the provisions of Title 70 O.S. 1981 § 13-101 may be transferred, a written application for such transfer, designating the district to which the transfer is desired, shall be made by either of his parents, or by his guardian, and such application shall be filed with the county superintendent of schools for transfers to school districts in the State of Oklahoma and with the State Board of Education for transfers to school districts in another state not later than May 15, preceding the school for which the transfer is desired. The county superintendent of schools shall notify, no later than May 25, the clerk of the board of education of the district from which the transfer is proposed to be made and the clerk of the board of education of the district to which the transfer is proposed to be made. The notices of the application for transfer shall so state that the board of education, from which the transfer shall so state that the board of education, from which the transfer is proposed, shall submit information as required by State Board of Education Policies and Procedures Manual for Special Education in Oklahoma for the delivery of Special Education Services for each identified handicapped child and that on or before June 5, the board of education of either district affected by the proposed transfer shall have an opportunity to show cause, if any, why the transfer should or should not be granted. This information will include (1) a current individual evaluation, (2) a categorical eligibility statement and (3) a current Individualized Education Program (IEP). The county superintendent of schools shall, not later than June 15, notify, in writing, the clerk of each board of education affected as to whether or not the transfer has been granted. Provided that at any time before June 20, the board of education of either district or the parent or guardian of the child may appeal, in writing, from the action of the county superintendent of schools to the district court of the county in which the child resides, and such appeal shall be heard, and a decision rendered thereon not later than June 30, and such decision shall be final.

Emergency Special Education Transfer:

A written application for an emergency special education transfer for a child, identified pursuant to the provisions of Title 70 O.S. 1981 § 13-101, designating the district to which the transfer is desired shall be made by either the parent or guardian, and on an adequate showing of emergency based on information as required by State Board of Education Policies and Procedures Manual for Special Education in Oklahoma for the delivery of Special Education Services for each identified handicapped child. This information will include (1) a current individual evaluation, (2) a categorical eligibility statement and (3) a current Individualized Education Program (IEP) and shall be submitted to the county superintendent who may make and order a transfer, subject to approval by the State Board of Education.

Cancellation of Regular or Emergency Special Education Transfers:

A transfer made may be cancelled with the concurrence of the board of the receiving district, and a retransfer granted. Also, on affidavit of parent or guardian, or of the school board of the transferring district, disclosing removal of residence from the transferring district, a transfer previously made may be cancelled. Cancellation of special education transfers are subject to the rules and regulations of the State Board of Education and the procedural due process requirements outlined at 20 U.S.C. 1415, of the Education For Handicapped Children's Act.

Residence of Child--Attendance in Transportation Area;

Any child, identified pursuant to the provisions of Title 70 O.S. 1981 § 13-101, residing in a school district in the State of Oklahoma that does not offer the grade such child is entitled to pursue shall be entitled to attend the school of the school district in the transportation area in which such pupil resides that offers the grade he is entitled to pursue.

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OKLAHOMA INTERAGENCY COOPERATIVE AGREEMENT

BETWEEN THE

STATE DEPARTMENT OF HUMAN SERVICES
DIVISION OF REHABILITATION SERVICES

AND THE

STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION SECTION

AND THE

STATE DEPARTMENT OF VOCATIONAL AND TECHNICAL EDUCATION

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I. INTRODUCTION

As a result of federal and state legislation, there has been a great deal of concern expressed for the need to provide handicapped persons with an appropriate education in the least restrictive environment. The purpose of this interagency agreement is to deliver appropriate occupational preparation services to handicapped individuals at the secondary, postsecondary, and adult levels. Cooperation between and among agencies is necessary to ensure the smooth transition of handicapped individuals from public education to appropriate, gainful employment. Efforts to accomodate the handicapped in occupational preparation programs need to be intensified and expanded.

While numerous resources through public and private agencies have been available, surveys and studies show that many persons in Oklahoma are in need of special education, vocational education, and vocational rehabilitation services because of physical, mental, or emotional impairment. Since no agency has all the necessary resources to adequately meet the needs of handicapped individuals, it is only through a concerted effort in interagency cooperation that handicapped individuals can be assured a full continuum of services beginning with public education and continuing through adult years.

The development and implementation of a cooperative service agreement at the state level is the first step in facilitating interagency cooperation. This agreement exemplifies the committment of state-level officials and facilitates the delivery of services at the local program level. This document presents a framework for and the procedures necessary to implement the delivery of coordinated services while maintaining flexibility as each agency delivers services to the handicapped. It is fully recognized that service delivery methods vary. Therefore, this agreement presents a broad approach to stimulating new efforts of cooperation between agencies which have as a common goal, the occupational preparation of handicapped individuals.

Since the provision of basic academic instruction is the responsibility of the State Department of Education, and vocational education continues to be the responsibility of the State Department of Vocational and Technical Education, the issues of current concern between education and rehabilitation falls in the area of "related services." However, "related services" may overlap certain VR services. A number of handicapped individuals under 21 years of age may be eligible for such services under all three programs at the same time. Age ranges and grade levels will vary depending on the level of need and the severity of handicap.

Although the programmatic goals are different, many of the services which may be offered under one program could, under certain circumstances, be provided by the other. It must be remembered, however, that terms and purposes are not always identical and that there will remain certain differences to be resolved at the local level within each agency's laws, regulations, priorities, and resources. The following principal legislative references will be adhered to:

1. Part B of the Education for the Handicapped Act (EHA) (P.L. 94-142) and amendments.
2. The Rehabilitation Act of 1973 (P.L. 93-112) and amendments.
3. The Carl D. Perkins Vocational Education Act (P.L. 98-524).

II. SERVICES

Age ranges and grade levels will vary depending on the level of need or sevirity of handicap. The following service profile chart for occupational preparation includes minimal instructional components, age ranges, levels, and agency responsibility:

INSTRUCTIONAL COMPONENTS	AGE RANGE	GRADE LEVEL	RESPONSIBLE PROGRAM
Personal Adjustment (daily living skills	11, 12, 13	6th, 7th, 8th	Special Education (with consultation from Vocational Rehabilitation)
Prevocational Evaluation and Education	11, 12, 13	6th, 7th, 8th	General Education Special Education (with consultation from Vocational Education and Vocational Rehabilitation)
Vocational Training	14 and above	9th - 12th	Vocational Education
	14 - 21	9th - 12th	Special Education
	16 and above[1]	9th - 12th	Vocational Rehabilitation
Job Placement and Follow-up	16 and above		Vocational Rehabilitation
	Program completers		Vocational Education
	16 - 21		Special Education
Adult Training[2]			Vocational Rehabilitation Vocational Education

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[1] Eligibility for traditional Vocational Rehabilitation Services is not based solely on age. However, agency policy states that clients should reach employment age by completion of the IWRP.

[2] Dropouts are included in the adult training program.

III. SERVICE RESPONSIBILITY

Those services which are currently, traditionally, and legally the functions of special education will be provided under the administration and supervision of the local school district in cooperation with the Special Education Section of the State Department of Education. Those services which are currently traditionally and legally the responsibility of vocational education will be provided under the administration and the supervision of the local school district in cooperation with the State Department of Vocational and Technical Education. Those services which are currently, traditionally, and leagally the function of rehabilitation services will be provided under the direction and supervision of the Division of Rehabiilitation Services of the State Department of Human Services.

In service programs of this type and scope, however, there are certain services to the physically, mentally, and emotionally disabled and vocationally handicapped youth that are legally the responsibility of all three agencies. The very nature of the problem and the common objective make this so.

The following areas of responsibility provide for continuous and uninterrupted service through "common areas" without duplication. It is the intent of this agreement that no department will encroach upon the legal responsibilities of any other department.

A. Special Education

The Special Education Section of the State Department of Education agrees to the following:

1. To serve as a working member of the Oklahoma Interagency Vocational Planning Group.

2. To provide for the identification, location, and evaluation of handicapped children.

    The term "handicapped children" means those children evaluated in accordance with regulations as being mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, deaf-blind, multi-handicapped, or as having specific learning disabilities, who because of those impairments need special education and related services.

3. To provide a free appropriate public education in the least restrictive environment.

    The term "free appropriate public education" means special education and related services which:

        Are provided at public expense, under public supervision and direction, and without charge;

Meet the standards of the state educational agency; include preschool, elementary school, or secondary school education; and

Are provided in conformity with an individualized education program which meets the requirements under state and federal regulations.

The term "least restrictive environment" means that each public agency shall insure:

That to the maximum extent appropriate, handicapped children (including children in public or private institutions or other care facilities) are educated with children who are not handicapped; and

That special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

4. To provide an individualized education program which includes special education and related services.

The term "special education" means specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child, including classroom instruction, physical education, home instruction, and instruction in hospitals and institutions.

The term includes speech pathology or any other related service, if the service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child, and is considered "special education" rather than a "related service" under state standards.

The term also includes vocational education if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child.

The terms in this definition are defined as follows:

"At no cost" means that all specially designed instruction is provided without charge, but this does not preclude incidental fees which are normally charged to non-handicapped students or their parents as a part of the regular education program.

"Physical education" is defined as follows:

a. The term means the development of:
   1) Physical motor fitness;
   2) Fundamental motor skills and patterns and
   3) skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

b. The term includes special physical education, adapted physical education, movement education, and motor development.

The definition of "special education" is a particularly important one under these regulations since a child is not handicapped unless he or she needs special education.

The definition of "related services" also depends on this definition since a related service must be necessary for a child to benefit from special education. Therefore, if a child does not need special education, there can be no "related services" and the child (because he/she is not handicapped) is not covered.

> The term "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes shcool health services, social work services in schools, and parent counseling and training.

5. To insure the procedural safeguards of handicapped children and their parents.

6. To provide career awareness activities directed toward making the handicapped student aware of himself and of careers in the world of work.

7. To provide career exploration activities in which handicapped students begin to sample and engage in experiences related to specific careers. -

8. To provide basic academic skill development activities to provide handicapped students with adaptability skills needed for socio-economic integration into society.

9. To provide auxiliary aids, reader services for the blind, interpreters for the deaf, and other related services as required.

10. To provide job-seeking, job-getting, and job-holding skill development activities that will give a student the opportunity to develop and practive such skills in real and/or simulated situations.

11. To provide staff development activities that provide vocational education and special education teachers with special competencies for preparing handicapped students to enter the world of work.

12. To provide career and vocational training for handicapped students, including special training needed to augment the vocational education being provided.

13. To provide work-study programs.

B. Vocational and Technical Education

The State Board for Vocational and Technical Education agrees to the following:

1. To serve as a working member of the Oklahoma Interagency Vocational Planning Group.

2. To provide vocational training and support services necessary to enable handicapped persons to prepare for employment. Eligible person are those with educational handicaps who are in high school, those who have completed or left high school and are preparing to enter the labor market, and those who have entered the labor market but need to upgrade their skills or learn new ones.

   Handicapped persons are defined as follows:

   Mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired person or persons with specific learning disabilities, and who, by reason of the above, require special education and related services, and cannot succeed in the regular vocational education program without special education assistance, or require a modified vocational education program.

3. To provide training for handicapped persons that will be of high quality, realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

4. To fund up to 50% of the costs of support services for handicapped persons in regular vocational programs as funds are available.

5. To fund up to 50% of the excess costs of training handicapped persons in modified vocational programs as funds are available.

6. To fund up to 50% of the excess costs of special vocational programs for the handicapped as funds are available.

7. To require that handicapped persons receiving special services provided by funds allocated from Section 202(1), P.L. 98-524 have an individualized education plan (IEP). (This act also requires each state to expand at least 10% of its allotment under Section 202(1) for the cost of vocational education for handicapped persons.)

8. To recommend that a vocational education representative act as a member of the planning team if vocational education is likely to be called for in the IEP of a student.

9. To provide information in regard to evaluation of vocational education programs for the handicapped.

10. To actively seek information and consult with personnel of the Rehabilitation Services Division relative to handicapped persons in need of vocational training.

11. To furnish to the Rehabilitation Services Division lists of handicapped persons who are completing vocational training courses, types of training completed, and level of achievement.

12. To provide the personnel of the Rehabilitation Services Division information in regard to evaluation of vocational training programs for the handicapped.

13. To extend, improve, and where necessary, maintain existing programs of vocational education.

14. To develop new programs fo vocational education.

15. To develop and carry out such programs of vocational education within each state so as to overcome sex discrimination and sex stereotyping of vocational education programs (including programs of homemaking), and thereby furnish equal educational opportunities in vocational education to persons of both sexes.

16. To provide part-time employment for youth who need the earnings from such employment to continue their vocational training on a full-time basis.

C. Rehabilitation Services

The Rehabilitation Services Division of DHS agrees to the following:

1. To serve as a working member of the Oklahoma Interagency Vocational Planning Group.

2. To accept referrals of physically, mentally, and emotionally disabled and vocationally handicapped individuals who are enrolled in the local high schools.

3. To provide for services to determine eligibility for vocational rehabilitation services.

    a. The criteria for eligibility for services through the Division's traditional program are: 1) The presense of a mental or physical disability which constitutes or results in substantial handicap to employment, and 2) a reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability.

    b. The criteria for eligibility for services through the Division's Independent Living Rehabilitation Program are: 1) the presence of a severe mental or physical disability which results in the limitation of one of the major life functions, and 2) a reasonable expectation that independent living rehabilitation services may result in the client successfully remaining in the family and/or community.

    c. The age of an individual, in and of itself, will not be the deciding factor in eligibility determination. Rather, age relevancy is the point in life when vocational planning, preparation, and a continuum of services (including services to determine rehabilitation potential and to establish independent living services and/or to establish employment goals and intermediate objectives to attain such goals) are appropriate for a given individual.

    d. No handicapped individual or group of handicapped individuals will be excluded solely on the basis of the type of physical or mental disability.

    e. A financial means test will be properly and equitably applied for certain services.

    f. Severely handicapped individuals must be served first under any established priorities, and any other priorities will not discriminate on the basis of age, sex, race, color, creed, or national origin.

g. Similar benefits from other services providers will be used where available.

It was the intent of Congress that the similar benefits provisions are to provide vocational rehabilitation agencies with an organized method for assessing the eligibility of handicapped individuals for benefits under other programs and for drawing upon other programs to provide those services for which the individual would otherwise be entitled. This requirement contains considerable flexibility for state application in determining the nature and degree of cooperation with other agencies and in individual cases. Similar benefits need not be utilized when they would not be adequate or timely, or would otherwise interfere with achieving the short- or long-range rehabilitation objectives of the individual. This condition applies to all vocational rehabilitation services, but specifically by law to physical restoration and maintenance. While other services (including training other than that in institutions of higher education) are not subject to mandatory similar benefits provisions, the state vocational rehabilitation agency would look first to other approrpriate sources, such as free public education generally available to all children in the state.

Issues have been raised involving circumstances under which available special education and related services will be provided to meet an intermediate objective[1], under both IEP and IWRP. When "special education" and "related services" are available and the handicapped child is entitled to receive those services, such services are a similar benefit.

The key concept is "availability." The service must be one that is needed for both education and rehabilitation purposes and which the education agency can provide in a timely fashion, meeting the quality level needed for the intermediate rehabilitation objective relating to the attainment of long-range employment goals.

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[1] Intermediate rehabilitation objectives: the steps which must be achieved before the long-range vocational goal can be attained, i.e., medical, social, personal, vocational outcomes which result from provision of services.

When a service is needed for vocational rehabilitation purposes but is not available from the education agency, then the rehabilitation agency cannot look to education for a similar benefit and may assume responsibility for providing that service for a specified length of time (directly or by using other benefits which may be available outside of education).

h. Authority for determining eligibility for, or the nature and scope of, vocational rehabilitation services is vested in the state vocational rehabilitation agency and cannot be assumed by or delegated to any other agency or individual.

There are some fundamental features of the vocational rehabilitation prograam which must guide vocational rehabilitation decisions. Where the eduction program under P.L. 94-142 is a "basic rights" program, the vocational rehabilitation program is not. Federal legislation and implementing regulations establish certain conditions which state vocational rehabilitation agencies must meet in order to qualify for Federal Financial Participation (FFP). These conditions are reflected in state plan requirements.

The law, regulations, and state plan recognize that all individuals who conceivable might meet eligibility criteria cannot be served and that limits may be set on who may be served. Consequently, accommodations are permitted where state vocational rehabilitation agencies do not have adequate resources to serve all handicapped people who are at or near working age and have vocational potenital. Essentially, it is this type of flexibility permitted a state agency which obviously deviates from a "basic rights" program approach. Also, in recognition of limited vocational rehabilitation program capacity and to increase that capacity, the law requires the use of other available resources.

4. To delegate the vocational rehabilitation counselor serving the local school district as the representative member of the planning team when rehabilitation services are likely to be called for in the IEP of a student.

5. To collaborate in the writing of the IEP as it relates to the IWRP.

Each child served under P.L. 94-142 must have an Individualized Education Program (IEP). Each handicapped individual served by the vocational rehabilitation program must have an Individualized Written Rehabilitation Program (IWRP), except for diagnostic services. Services under an IEP or an IWRP may be paid for by the other agency or some other community resources. The IEP may contain references to services which are, in fact, provided under an IWRP, and vice versa.

Both the Rehabilitation Services Administration and the Office of Education strongly encourage state education and state vocational rehabilitation agencies to develop collaborative IEP's and IWRP's at the earliest time appropriate to each eligible individual. One guiding principle is that the vocational rehabilitation agency should not be expected to provide and pay for services for handicapped students which are afforded non-handicapped students in the school setting, as required under Section 504 of the Rehabilitation Act. Additionally, vocational rehabilitation agencies cannot provide services at a point in time where such services meet only educational needs and do not appropriately fit into a continuum of services under an IWRP leading to a vocational objective. Vocational rehabilitation involvement might occur on an individual basis as early as secondary school entry for prevocational planning purposes which normally would not involve expenditure of funds at that stage. Later on, vocational rehabilitation should become involved at least by the terminal year (graduation or termination for other reasons) with students who are expected to need vocational rehbilitation services.

6. To accept the responsibility for the provision of rehabilitation services for eligible handicapped persons ages sixteen and over, who have voluntarily withdrawn from high school. Where students are interested in returning to school, the vocational rehabilitation counselor will confer with the school district of jurisdiction in an attempt to have structured within the district an educational or vocational program that would lead to completion of an appropriate course of study.

   The following services are considered to be particularly important in meeting the unique needs of handicapped individuals and may not be generally available to handicapped students in the education setting: 1) physical and mental restoration services; 2) general and special medical examinations; 3) transportation in connection with the provision of other vocational rehabilitation services including, for example, to job training sites where placements have been made cooperatively by the school and rehabilitation agency; 4) telecommunications, sensory and other technological aids and devices; (5) job development and placement in suitable employment; 6) postemployment services necessary to assist handicapped individials to maintain their employment; and 7) the purchasing of occupational licenses, tools, and equipment necessary for entry into employment.

Services such as those listed above would not be required by the majority of handicapped students. They may be required for more severely impaired students to assist them to become well-adjusted and suitably employed.

7. To coordinate postsecondary training and placement of eligible handicapped persons ages 18 to 25 who have completed an approved course of study and graduated from a public school program.

8. To make available to the State Department of Vocational and Technical Education information regarding handicapped persons who are in need of vocational education.

9. To work closely with the State Department of Education representative on both state and local levels to the end that training of the handicapped persons may be kept as closely related as possible to employment opportunities in Oklahoma.

10. To provide guidance and testing services for eligible persons receiving vocational and technical education training.

11. To recommend changes in guidelines and evaluating processes of vocational education programs for the handicapped.

D. SERVICE RESPONSIBIL

Services must be available and accessible to all handi
all-inclusive; others may be added. Where there is
responsibility for service delivery will be determined o
with an asterisk (*), can generally be provided by the sp

ACTIVITIES	SP EDU
Referral	
1. Awareness	
(a) Public Awareness	
(b) Professional Awareness	
2. Screening	
(a) Mass Screening	
(b) Individual Screening	
3. Referral to Assessment	
Assessment	
1. Psychological/Behavioral	
2. Social/Home/Peer	
3. Educational	
4. Medical Diagnosis to Determine Eligibility	
5. Speech and Language	
6. Prevocational Evaluation, Interest, and Aptitude	
7. Vocational and Work Evaluation	

ITY ACTIVITIES

capped individuals. The listed activities are not
s duplication or overlapping of services, primary
n an individual basis. The activities below, marked
ecific agency.

ECIAL CATION	VOCATIONAL EDUCATION	VOCATIONAL REHABILITATION
*	*	*
*	*	*
*	*	*
*	*	*
*		*
*		*
*		
*	*	*
*		*
*		*
*		*
*	*	*

ACTIVITIES

Program Planning

1. Individualized Education Program (IEP)

   Individualized Written Rehabilitation Plan (IWRP)

2. Services

   - * vocational education program
   - * regular vocational education program
   - * adapted vocational education program
   - * special vocational education program (self-contained)
   - * individual vocational training
   - * work activity center
   - * work-study activity
   - * cooperative vocational education
   - * prevocational education
   - * personal adjustment counseling
   - * academic adjustment counseling
   - * vocational adjustment counseling

SPECIAL EDUCATION	VOCATIONAL EDUCATION	VOCATIONAL REHABILITATION
*	*	*
*	*	*
*	*	*
*	*	*
*	*	*
*	*	*
*		*
*		*
*		*
*	*	*
*		
*	*	*
*	*	*
*	*	*

ACTIVITIES

2. Services (continued)

   - * interpreter/note-taker (individually determined for a specific time period)
   - * reader services for the blind (individually determined for a specific time period)
   - * special tools, devices, equipment (school-based)
   - * special tools, devices, equipment (client-owned)
   - * learning station modification
   - * special support staff (aides, tutors, paraprofessionals)
   - * related services (O.T., P.T., and speech correction)
   - * curriculum modification and development
   - * transportation
   - * subsistence while in training
   - * monitoring of student progress

SPECIAL EDUCATION	VOCATIONAL EDUCATION	VOCATIONAL REHABILITATION
	*	*
	*	*
*	*	
		*
*	*	*
*	*	*
*		*
*	*	*
*		*
		*
*	*	*

ACTIVITIES

3. Related Services

   * medical (other than diagnostic)
   * mental therapy
   * physical restoration
   * interpreter and reader services
   * maintenance (room and board)
   * job development and placement
   * home modification
   * on-the-job training

SPECIAL EDUCATION	VOCATIONAL EDUCATION	VOCATIONAL REHABILITATION
		*
		*
		*
*	*	*
*		*
*	*	*
		*
	*	*

IV. AGREEMENT ASSURANCES

A. Planning Cycles

Representatives of the State Department of Vocational and Technical Education and the Special ELducation Section of the State Department of Education and the Division of Rehabilitation Services of the Department of Human Services will meet at least annually. However, representatives may meet throughout the year as needed in order to develop a close working relationship on the mutual problems outlined in this agreement and to add to and improve their respective contributions to the services for the handicapped.

The provisions of this agreement will be reviewed and revised as needed on at least an annual basis.

B. Complaint Procedures

Each agency will designate a representative to receive client and consumer complaints. Procedures for reviewing and investigating complaints are as follows:

1. Upon receiving a complaint, the representative of the affected agency or agencies will be notified in writing.
2. Regardless of which agency receives the complaint, when the complaint is against one agency only, it will be dealt with in the manner prescribed in that agency's state plan.
3. When more than one agency is involved, the complaint will become a shared responsibility with each agency addressing that protion or portions which pertain specifically to that particular agency.
4. In instances where complaints or parts of a complaint are overlapping in nature and are not clearly the responsibility of one agency, it will become a shared responsibility. Resolution of the situation will be accomplished in a cooperative effort by the representatives of the affected agencies.
5. In the event a resolution cannot be reached by the representatives, a meeting of the Oklahoma Interagency Vocational Planning Group may be held to determine a procedure for satisfactorily solving the problem.

C. Statement of Confidentiality

Various laws and regulations govern the sharing of personal information. Legislation and regulations applicable to education records allow rather free access by the individual to his own records. Many programs will share information with other agencies under conditions that such information will not be further divulged. Case files often contain information obtained from a variety of sources, some of whom do restrict further release. To address this problem and others, the Interagency Vocational Planning Groups are currently working on revisions to regulations and guidelines dealing with access, disclosure, and protection of personal information. Until these problems can be worked through, agencies may permit the sharing of information only on a selective basis in accordance with state policies and federal regulations.

The Oklahoma State Department of Education, the Oklahoma State Department of Vocational and Technical Education, and the Division of Rehabilitation Services of the Department of Human Services assure conpliance with confidentiality safeguards as addressed in the respective state plans of the above agencies.

D. Due Process

Procedural safeguards are addressed in detail in the state plans approved by each agency. For the purposes of this interagency agreement, each agency reaffirms the right of due process and other procedural safeguards as described in their respective state plans.

E. Compliance With Principal Legislation

The State Department of Education, the State Department of Vocational and Technical Education, and the Division of Rehabilitation Services of the Department of Human Services assure compliance with Oklahoma state statutes and federal law including:

a. Part B of the Education for the Handicapped Act (EHA) (P.L. 94-142) and amendments.

b. The Rehabilitation Act of 1973 (P.L. 93-112) and amendments.

c. The Carl D. Perkins Vocational Education Act (P.L. 98-524).

V. INTER/INTRA-AGENCY LINKAGES

As stated earlier, representatives of the Oklahoma State Department of Education, the Oklahoma State Department of Vocational and Technical Education, and the Division of Rehabilitation Services of the Department of Human Services will meet periodically throughout the year. They will develop a closer working relationship as they deal with mutual problems outlined in this agreement. Expected results include more appropriate placement, education, and training of handicapped individuals.

It is also anticipated that stronger linkages between and among these agencies will be developed as the need arises for additional supportive services.

VI. SIGNATURES

STATE DEPARTMENT OF VOCATIONAL AND TECHNICAL EDUCATION

ROY PETERS, JR., DIRECTOR

SPECIAL EDUCATION SECTION
STATE DEPARTMENT OF EDUCATION

John M. Folks

JOHN M. FOLKS, Ed.D.
SUPERINTENDENT OF PUBLIC INSTRUCTION

REHABILITATION SERVICES DIVISION
STATE DEPARTMENT OF HUMAN SERVICES

Robert Fulton

ROBERT FULTON, DIRECTOR
DEPARTMENT OF HUMAN SERVICES

January 28, 1987

DATE

MEMORANDUM OF UNDERSTANDING

BETWEEN THE
OFFICE FOR CIVIL RIGHTS, REGION VI
AND THE
OKLAHOMA STATE DEPARTMENT OF EDUCATION

A. INTRODUCTION

This Memorandum of Understanding (MOU) between the Office for Civil Rights (OCR) and the Oklahoma State Department of Education (OSDE) is being established to support mutual goals and objectives. It is our intention to:

1. improve the ability of OCR and OSDE to accomplish their civil rights responsibilities;
2. strengthen cooperation and coordination between OCR and OSDE;
3. reduce the data collection burden on OSDE and local recipients, and at the same time, expedite the compilation of compliance information; and
4. prevent duplication of effort and thereby reduce the operating costs of OSDE, local agencies, and OCR.

This MOU applies to all OSDE programs and activities in elementary and secondary programs in Oklahoma public schools (K-12) which receive Federal financial assistance from the United States Department of Education (ED) or from any other agency of the Federal government which has delegated its initial civil rights responsibilities to ED.

OCR and OSDE determines the investigative and technical assistance activities included in the MOU.

B. GENERAL PROVISIONS

The general provisions set out below represent the basic principles of the agreement that have been reached.

1. Notification and consultation between staffs from both agencies in no way expresses or implies that participation in this agreement constitutes relinquishment of any of their respective legal responsibilities.
2. The staffs of both agree to fully respect and adhere to the confidentiality requirements and prohibitions of each agency regarding complaint-related information and sensitive data. Adherence to these requirements and prohibitions must be consistent with Federal and State law. In case of conflict between valid Federal and State requirements, Federal requirements will prevail. See, e.g., U.S. v. Phoenix Union High School District, 681 F.2d 1235 (9th Cir. 1982).

C. LEGAL PROVISIONS

1. Adams Order

OCR is bound by the requirements of the Adams v. Bennet Order which specifies procedures and time frames for handling complaints and compliance reviews. These procedures must be precisely followed to avoid any violation by OCR of the Adams Order. OCR is restricted from entering into any agreement with State agencies involving the deferral or referral of complaint or compliance review activities to the State for investigation because of the Adams Order.

2. Freedom of Information Act (FOIA)

The Freedom of Information Act, 5 U.S.C. § 552, requires that any documents within the custody of OCR are subject to the disclosure requirements of the Act.

3. Privacy Act

The Privacy Act, 5 U.S.C. § 552a, states that in order for OCR to disclose records, it must receive, from the head of the State or local governmental agency, a written request specifying what part of the record is desired and stating the purpose for which it is sought. If this procedure is not followed, then the record may not be disclosed. In addition, regulations require that an accounting procedure be established for records disclosed under the Act. Under this procedure, a record must be kept of the name and address of the person or entity to whom the disclosure is made, and the nature, purpose and date of the disclosure. As a general rule, an individual has a right under the Act to be notified of disclosures of his or her records. However, when the disclosure is made to another Federal, State or local government agency or instrumentality thereof, within or under the control of the United States, the Department's regulations provide that an individual will be granted notification of disclosure only at the discretion of the responsible Department official. (See 34 C.F.R. § 5b.9(b)(7)). It should also be noted that if the individual to whom the record pertains gives his or her written consent to disclosure, an accounting thereof is not required.

D. SPECIFIC PROVISIONS

The parties further agree that:

1. they will exchange agency organizational charts (annually) as well as revisions which may occur;

2. they will exchange guidelines, manuals, procedures and other information which explain how the parties operate and make their determinations of compliance and noncompliance;

3. OCR will furnish the OSDE with notification of individual open complaints as they occur throughout the year, as well as a semi-annual listing of open complaints filed against recipients receiving ED financial assistance. The listing of open complaints will only include the following:

   a. name of respondent institution;

   b. date complaint was docketed;

   c. basis of the alleged discrimination (race, color, sex, national origin, handicap, age);

   d. the general allegation or charge (employment, admissions, grading, discipline, placement, etc.); and

   e. the status of the case (pre-investigation, investigation stage, negotiations conducted, post-investigation enforcement stage);

   f. copies of agreements developed between the complainant and recipient in cases resolved through ECR. MAY 30 - ANNUALLY
   Nov. 30 - "

   (Any information relating to the complainant is only to be released in strict accordance with the Freedom of Information Act and the Privacy Act.)

4. they will provide each other with reasonable access to case files, including final reports, interviews, and reports of findings on all open investigations, and compliance reviews to the extent that release of such information is consistent with the Freedom of Information Act and Privacy Act provisions affecting their respective organizations;

   request case file in order

5. they will notify one another as soon as possible once an educational institution has been selected for a compliance review and exchange information during the preparation stage, as appropriate;

   TO GB BY MARCH 87
   FROM OCR

6. as often as possible, the scheduling of OCR-initiated compliance reviews and monitoring visits will be coordinated. If appropriate, OSDE may join OCR in the conduct of complaint investigations. If there is joint participation, OCR retains responsibility for investigating and resolving all OCR initiated complaints, and compliance or monitoring reviews. In case of conflict between Federal and State requirements, Federal requirements will prevail;

7. they will assist each other's efforts to obtain voluntary compliance with civil rights laws and regulations, and consult relative to the resolution of conflicting compliance determinations;

8. they will notify each other, and to the maximum extent possible coordinate on the provision of technical assistance relevant to civil rights laws and regulations;

9. they will exchange appropriate reports on compliance and technical assistance activities (upon request), including survey data, policy documents, computer printouts and special analysis;

10. they will exchange appropriate information to avoid duplicative requests for data from ED recipients;

11. they will encourage the development of systems to expedite the flow of Federal financial information pertaining to Department of Education recipients;

12. they will encourage the development of compatible data formats;

13. they will encourage participation in each other's training sessions to enhance the knowledge and monitoring skills of the respective staffs; if possible, notification of training sessions will be made in writing two weeks prior to the scheduled sessions;

14. they may also exchange management information, including functional responsibilities, mission statements, and overall responsibilities;

15. they will conduct a minimum of one meeting per year to discuss problems of mutual interest, including implementation of the MOU. — June

Principal staff responsible for implementation and adherence to the terms of this agreement, as well as notification and consultation under this agreement, are as follows:

Office for Civil Rights
Division Director
Elementary & Secondary Education
Region VI
1200 Main Tower, 22nd Floor
Dallas, Texas 75202
214/767-3959

Oklahoma State Department of Education
State Superintendent
2500 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105-4599
405/521-3301

E. CHANGING THE MOU PROVISION

This agreement may be expanded, modified, or amended at any time by mutual consent of both agencies and shall be reviewed and renewed from time to time as needed. It may be terminated if either agency is no longer interested in pursuing the activities, the activities have been completed, or they need revision. Each party agrees to give the other 30 days notice of intention to terminate.

This Memorandum of Understanding becomes effective upon the date, when both signatures are affixed below. This agreement shall expire on June 1, 1987, unless reviewed and renewed by both parties prior to that date.

Oct. 3, 1986

Office for Civil Rights
U. S. Department of Education
Taylor D. August
Regional Civil Rights Director
Region VI

Date

John M. Folks

Sept 24, 1986

Oklahoma State Department of Education
John M. Folks
State Superintendent of Public Instruction

Date

INTERAGENCY EDUCATIONAL AGREEMENT

In the provision of special education and related services for residential school age clients of the three state schools for the mentally retarded, the Department of Human Services (DHS) will contract with local education agencies (LEA) for the provision of special education and will be responsible for the delivery of related services as stated in a contractual agreement between DHS and the LEA. DHS's responsibilities concerning the provision of related services shall extend to the administrative hearing process under the Education For All Handicapped Children's Act. In the event issues regarding related services are presented in administrative hearing processes under the Education for All Handicapped Children's Act, DHS will respond to those issues and will implement any necessary corrective action.

The term "Related Services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education and includes, but may not be limited to, speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services and parent counseling and training.

In some instances, it may be advantageous to contract with the local public school for a particular related service. In such instances, the agreement will be made in writing as part of the regular contract for education services with the LEA or as an addendum to that agreement.

The necessary special education and related services for each client will be determined by the Individual Program Plan (IPP)/Individual Education Program (IEP) team. The IPP/IEP team will identify needs for each client, set objectives and implement activities to meet those needs.

In some individual cases, activity that is normally considered to be special education may be carried out in whole or in part by DHS staff. Likewise in other cases, activity normally considered to be a related service may be carried out in whole or in part by staff of the local education agency.

IPP/IEP meeting times shall be within the legal timelines in P.L. 94-142 and will be jointly agreed to by the LEA and DHS. Both DHS and LEA shall assure that appropriate team members are present for such meetings. Documentation shall satisfy State and Federal requirements pertaining to intermediate care facilities for the mentally retarded (ICF/MR), and P.L. 94-142 and other applicable state and federal laws and regulations. The DHS institutional superintendent shall assure that documentation complies with ICF/MR requirements. The superintendent of the LEA, in concert with the LEA school principal, shall assure that documentation requirements of P.L. 94-142 are satisfied.

Any issues which arise under this agreement and cannot be resolved at the local level, and any proposed departures from the agreements and understandings reflected herein, are to be reported to the DHS Assistant Director for Developmental Disability Services and to the Administrator of Special Education of the Department of Education. They shall confer promptly on any such issues or proposed departures and, when appropriate, refer the matter to the Director of DHS and the State Superintendent of Education for resolution.

This agreement shall be in addition to the agreement entered into pursuant to Title 70 O.S. S 13-111(b).

Robert Fulton

Robert Fulton, Director
Department of Human Services

John M Folks

John M. Folks, State Superintendent
State Department of Education

MEMORANDUM OF AGREEMENT CONCERNING THE PROVISION OF "RELATED SERVICES", AS MANDATED BY TITLE 70 O.S. Supp. 1983 § 13-111(B)

This agreement encompasses a plan for the coordinated delivery of related services to exceptional children as mandated by 70 O.S. Supp. 1983 § 13-111(B) which provides in part

> The Department of Mental Health, the State Department of Health, the Department of Human Services, the State Department of Education, and the State Department of Vocational and Technical Education shall jointly develop and implement through interagency memoranda of agreement as authorized in the Interlocal Cooperation Act a plan for the coordinated delivery of related services to exceptional children with nominal cost to the school district.

The parties to this agreement recognize the legislature intent to establish a unified effort on the part of state government to assist local school districts with their job of providing education to the handicapped children of Oklahoma.

For purposes of this plan, the following definitions shall be applicable:

(1) Exceptional child shall mean a handicapped child as defined in the Education For All Handicapped Children's Act.

Handicapped Children.

(a) As used in this part, the term "handicapped children" means those children evaluated in accordance with §§ 300.530-300.534 as being mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or as having specific learning disabilities, who because of those impairments need special education and related services.

(b) The terms used in this definition are defined as follows:

(1) "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

(2) "Deaf-blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

(3) "Hard of Hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section.

(4) "Mentally Retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

(5) "Multi-handicapped" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

(6) "Orthopedically Impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

(7) "Other Health Impaired" means limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

(8) "Seriously Emotionally Disturbed" is defined as follows:

(i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

(A) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(B) An inability to build or maintain satisfactory or interpersonal relationships with peers and teachers;

(C) Inappropriate types of behavior or feelings under normal circumstances;

(D) A general pervasive mood of unhappiness or depression; or

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(9) "Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself into an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or of environmental, cultural, or economic disadvantage.

(10) "Speech Impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment which adversely affects a child's educational performance.

(11) "Visually Handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

(20 U.S.C. § 1401 (1), (15))

(2) Related Services shall mean:

(a) As used in this part, the term "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

(b) The terms used in this definition are defined as follows:

(1) "Audiology" includes:

(i) Identification of children with hearing loss;

(ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

(iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip reading), hearing evaluation, and speech conservation;

(iv) Creation and administration of programs for prevention of hearing loss;

(v) Counseling and guidance of pupils, parents, and teachers regarding hearing loss; and

(vi) Determination of the child's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) "Counseling Services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) "Early Identification" means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

(4) "Medical Services" means services provided by a licensed physician to determine a child's medically related handicapping condition which results in the child's need for special education and related services.

(5) "Occupational Therapy" includes:

(i) Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;

(ii) Improving ability to perform tasks for independent functioning when functions are impaired or lost; and

(iii) Preventing, through early intervention, initial or further impairment or loss of function.

(6) "Parent Counseling and Training" means assisting parents in understanding the special needs of their child and providing parents with information about child development.

(7) "Physical Therapy" means services provided by a qualified physical therapist.

(8) "Psychological Services" include:

(i) Administering psychological and educational tests, and other assessment procedures;

(ii) Interpreting assessment results;

(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning.

(iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations; and

(v) Planning and managing a program of psychological services, including psychological counseling for children and parents.

(9) "Recreation" includes:

(i) Assessment of leisure function;

(ii) Therapeutic recreation services;

(iii) Recreation programs in schools and community agencies; and

(iv) Leisure education.

(10) "School Health Services" means services provided by a qualified school nurse or other qualified person.

(11) "Social Work Services in Schools" include:

(i) Preparing a social or developmental history on a handicapped child;

(ii) Group and individual counseling with the child and family;

(iii) Working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and

(iv) Mobilizing school and community resources to enable the child to receive maximum benefit from his or her educational program.

(12) "Speech Pathology" includes:

(i) Identification of children with speech or language disorders;

(ii) Diagnosis and appraisal of specific speech or language disorders;

(iii) Referral for medical or other professional attention necessary for the habilitation of speech or language disorders;

(iv) Provision of speech and language services for the habilitation or prevention of communicative disorders; and

(v) Counseling and guidance of parents, children, and teachers regarding speech and language disorders.

(13) "Transportation" includes:

(i) Travel to and from school and between schools;

(ii) Travel in and around school buildings; and

(iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a handicapped child.

(20 U.S.C. § 1401(17)).

(3) Nominal Cost.

Due to the number of agencies involved in this agreement and the large number of "related services" performed, no specific definition of nominal cost can be ascertained. However, each party to this agreement recognizes that nominal cost generally means the lowest amount that the agency charges for any particular related services performed in the agency.

If the agency utilizes a "fee schedule" in determining charges for its services, then a local school district seeking a "related service" will be charged the lowest amount on the fee schedule.

In addition, if the exceptional child is a ward of the state or in the custody of a state agency, no fee shall be charged back to the public school making the referral for related services.

If an agency in its effort to fulfill statutory duties, contracts with any public or private entity for the provision of "related services" the agency will assure that the contracted services are provided to local school districts at nominal cost.

(4) Each agency made a party to this agreement understands and guarantees that if the agency is required by statute, rule or regulation to provide any service which falls within the definition of "related service" set out above, that service must be provided to local school districts at the lowest cost assessed by the agency.

John M. Folks 5/23/85
John M. Folks, State Superintendent
State Department of Education

Joan K. Leavitt MD
Joan K. Leavitt, Commissioner
Department of Health

Robert Fulton 5/23/85
Robert E. Fulton, Director
Dept. of Human Services

Francis Tuttle
Francis Tuttle , Director
State Dept. of Vo-Tech Education

J. Frank James
J. Frank James, Commissioner
Department of Mental Health

J.D. GIDDENS
ASST. SUPERINTENDENT
INSTRUCTION

JACK STRAHORN
ASST. SUPERINTENDENT
STATE FEDERAL

MURL VENARD
ASST. SUPERINTENDENT
FINANCE

State Department of Education

LESLIE FISHER, Superintendent
LLOYD GRAHAM, Deputy Superintendent
TOM CAMPBELL, Associate Deputy Superintendent
JOHN FOLKS, Associate Deputy Superintendent
2500 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105

January 26, 1983

Richard H. Allen, Area Director
Oklahoma City District Social
Security Administration
200 N.W. 5th
Oklahoma City, OK 73102

Dear Mr. Allen:

Attached is a letter of understanding between your agency and the State Department of Education regarding educational services to handicapped children. This signed agreement is required under Public Law 94-142, Section 300.600(6) of the Education of Handicapped Children Act. The agreement will be submitted as a part of our State plan for Special Education.

Although we currently have signed letters of understanding, there have been legislative changes and agency head changes that would justify an updating of these agreements. In order to meet the timelines necessary to publish our State plan for public comment and allow time for the Governor's review, we would appreciate the return of the signed agreement by February 11, 1983.

If the agreement presented to you is not acceptable or you are unclear about any portion please contact Glenn Haring, Administrative Officer of the Special Education Section, so he may work with you on eliminating any particular problems. Glenn can be reached at 521-3351.

Sincerely,

Leslie Fisher

Leslie Fisher
State Superintendent
Department of Education

mc

You're doin' fine Oklahoma! 75 1907 Diamond Jubilee 1982

A MEMORANDUM OF UNDERSTANDING
BETWEEN THE OKLAHOMA STATE DEPARTMENT OF EDUCATION
AND THE OKLAHOMA CITY DISTRICT SOCIAL SECURITY ADMINISTRATION

The purposes of this Agreement are as follows:

1) To bring about a close and harmonious working relationship between the two agencies who are parties hereto in order that the best interests of handicapped persons who need special services are met.

2) To furnish pertinent information to handicapped individuals who are in need of special services.

3) To utilize the maximum efforts of the two agencies in providing the program needed by each handicapped individual.

4) To assure that all agencies meet the needs of the handicapped as stated in P.L. 94-142.

5) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the development of individual educational plans and maintenance of all confidentiality procedures as related to personally identifiable information.

In order to achieve these purposes and insure maximum utilization of resources, the two agencies agree to cooperate and coordinate their activities in the following ways:

1) The Special Education Section, through the Regional Centers, will provide information about Supplemental Security Income benefits to handicapped individuals who may be eligible.

2) The Social Security Administration will upon request provide trainers to conduct training sessions for the staffs of Regional Centers, schools, parent groups, etc. to familiarize those groups with the eligibility criteria for Supplemental Security Income benefits.

3) The Social Security Administration will upon request furnish public information material to schools and centers for their use.

4) Both agencies agree to offer information and technical assistance to the other as requested in efforts to assure full utilization of available resources.

Representatives of the Social Security Administration and the Special Education Section of the State Department of Education will meet periodically throughout the year in order to develop a close working relationship on the mutual problems outlined in this Agreement and to add to and improve their respective contributions to the program of educating the handicapped to the end that the interests of these persons may be better served.

Richard H. Allen

2/3/83

Richard H. Allen, Area Director
Oklahoma City District
Social Security Administration

Date

Leslie Fisher

1-27-83

Leslie R. Fisher
State Superintendent of Public Instruction
State Department of Education

Date

J.D. GIDDENS
ASST. SUPERINTENDENT
INSTRUCTION

JACK STRAHORN
ASST. SUPERINTENDENT
STATE-FEDERAL

MURL VENARD
ASST. SUPERINTENDENT
FINANCE

State Department of Education

LESLIE FISHER, Superintendent
LLOYD GRAHAM, Deputy Superintendent
TOM CAMPBELL, Associate Deputy Superintendent
JOHN FOLKS, Associate Deputy Superintendent

2500 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105

January 26, 1983

Larry Meachum, Director
Department of Corrections
3400 North Eastern
Oklahoma City, OK 73111

Dear Mr. Meachum:

Attached is a letter of understanding between your agency and the State Department of Education regarding educational services to handicapped children. This signed agreement is required under Public Law 94-142, Section 300.600(6) of the Education of Handicapped Children Act. The agreement will be submitted as a paft of our State plan for Special Education.

Although we currently have signed letters of understanding, there have been legislative changes and agency head changes that would justify an updating of these agreements. In order to meet the timelines necessary to publish our State plan for public comment and allow time for the Governor's review, we would appreciate the return of the signed agreement by February 11, 1983.

If the agreement presented to you is not acceptable or you are unclear about any portion please contact Glenn Haring, Administrative Officer of the Special Education Section, so he may work with you on eliminating any particular problems. Glenn can be reached at 521-3351.

Sincerely,

Leslie Fisher
State Superintendent
Department of Education

mc

You're doin' fine, Oklahoma!
75
1907 Diamond Jubilee 1982

A MEMORANDUM OF UNDERSTANDING
BETWEEN THE OKLAHOMA STATE DEPARTMENT OF EDUCATION
AND THE OKLAHOMA STATE DEPARTMENT OF CORRECTIONS

A cooperative agreement between the State Department of Corrections and the Special Education Section of the State Department of Education (Pursuant to P.L. 94-142, Section 300.2, which states in part) "....The annual program plan is submitted by the SEA on behalf of the state as a whole. Therefore, the provisions of this part apply to all political subdivisions of the State that are involved in the education of handicapped children...."*

The purposes of this Agreement are as follows:

1) To bring about a close and harmonious working relationship between the two agencies who are parties hereto in order that the best interests of handicapped persons who need special services are met.

2) To furnish pertinent information to handicapped individuals who are in need of special services.

3) To utilize the maximum efforts of the two agencies in providing the program needed by each handicapped individual.

4) To assure that all agencies meet the needs of the handicapped as stated in P.L. 94-142, Section 300.4*, including all the services needed as defined in Section 300.13* according to the timelines in 300.122*.

5) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the development of individual educational plans and maintenance of all confidentiality procedures as related to personally identifiable information.

Responsibilities of the Special Education Section of the State Department of Education under this Agreement:

1) The Special Education Section will make available to the State Department of Corrections information regarding handicapped individuals who are in need of modified educational training.

2) Work closely with the State Board Representatives on both State and local levels to the end that education of handicapped children may be kept as closely related as possible to their least restrictive environment.

3) Provide a list of guidance and testing services for persons needing such services.

*Sections of Law and Regulations attached

4) Assist in establishing and evaluating programs of special education for the handicapped and be responsible for the general supervision of all educational programs for the handicapped as required by Section 612(6) of P.L. 94-142 or Section 300.600 of the regulations.*

Responsibilities of the State Department of Corrections under this Agreement

1) The State Department of Corrections will follow the same procedure with handicapped students served with funds provided by State and Federal sources for the education of handicapped children and youth as all other agencies providing services for the handicapped.

2) The State Department of Corrections will actively seek information and consult with personnel of the Special Education Section relative to educational needs of the handicapped.

3) The State Department of Corrections will furnish to the Special Education Section, through the school(s) providing services, the numbers of handicapped individuals receiving services and other data as requested.

4) Provide information in regard to evaluation of special education programs for the handicapped. This shall include data on the progress of the individual student.

General

Representatives of the State Department of Corrections and the Special Education Section of the State Department of Education will meet periodically throughout the year in order to develop a close working relationship on the mutual problems outlined in this Agreement and to add to and improve their respective contributions to the program of educating the handicapped to the end that the interests of these persons may be better served.

Larry Meachum — 2-6-83

Larry Meachum
Director
Department of Corrections

Date

Leslie Fisher — 1-27-83

Leslie Fisher
State Superintendent of Public Instruction
Department of Education

Date

LETTER OF AGREEMENT

BETWEEN THE

SPECIAL EDUCATION SECTION

OKLAHOMA STATE DEPARTMENT OF EDUCATION

AND THE

OKLAHOMA HEAD START PROGRAMS

The purposes of this agreement are as follows:

(1) To bring about a close and harmonious working relationship between the two agencies who are parties hereto in order that the best interests of handicapped persons who need special services are met.

(2) To furnish pertinent information to handicapped individuals who are in need of special services.

(3) To utilize the maximum efforts of the two agencies in providing the program needed by each handicapped individual.

(4) To assure that all agencies meet the needs of the handicapped as stated in P. L. 94-142.

(5) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the joint team development of individual pupil educational plans and maintainence of all confidentiality procedures as related to personally identifiable information. Both parties of this agreement shall be stipulated in any parent release forms with both agencies retaining a copy of said forms.

In order to achieve these purposes and insure maximum utilization of resources, the two agencies agree to cooperate and coordinate their activities in the following ways:

(1) The SEA and Head Start will jointly develop strategies which will maximize resources available through all agencies who serve handicapped children who are eligible for Head Start services. The service providers will be explored to improve the quality and quantity of services. The SEA and DECA will disseminate the agreed upon policies and procedures to the LEA's and Head Start programs.

(2) The Special Education Section in collaboration with Head Start will establish procedures for referral, confidential reporting and child count in accordance with P. L. 94-142 and GEPA Family Rights and Privacy Act.

Whenever parents, Head Start staff or other agencies and groups identify children as being handicapped, Head Start programs and LEA's must be ensured that the initial identification is confirmed by professionals trained in assessing handicapping conditions (e.g. licensed physicians. psychologists, multidisciplinary diagnostic teams or others with special training in this area.)

The usual Head Start priority requirements for admitting children are:

(A) Children within poverty guidelines and handicapped. Four year olds meeting this critera usually have priority.

(B) Children under the poverty guidelines.

(C) Handicapped and over income.

(D) Over income.

Head Start Grantee will report handicapped children and the anticipated length of time that service can be provided in Head Start Centers, to the LEA's and Regional Service Centers in accordance with the Family Rights and Family Act.

In turn, the LEA may refer identified handicapped children to Head Start for potential placement based upon the recommendation of the professional who diagnosed the condition.

At the point that Head Start is considered as a placement site, preliminary discussion will be initiated with Head Start personnel. If it is determined the Head Start program will be able to serve the child, Head Start personnel participation in the IEP placement team meeting will be necessary.

(3) Regional Education Service Centers, under the administration of the SEA, will assist in the interchange of information to coordinate service delivery between the two agencies in compliance with P. L. 94-142 and Oklahoma S.B. 581.

(4) The SEA will distribute information on the procedural safeguards of P. L. 94-142 to the Head Start grantees through the DECA's Head Start T/TA component. Handicap consortium coordinators will help develop a joint procedure for the monitoring of the individualized education programs in accordance with the SEA standards, Head Start regulations and the standards which P. L. 94-142 require to identify, implement and assess the program for handicapped children.

The assessment and the recommendation of the diagnostic teams or others with special training in this area must play an essential role in the formation of the program services and options for the handicapped child.

(5) The LEA's, RESC, ACYF and SEA will provide technical assistance for program development and will utilize technical assistance of the Resource access Projects, BEH and Handicap Early Education Projects to implement field tested and validated procedures for quality and efficiency.

(6) The SEA will collaborate with the technical assistance director for Head Start, Handicap Consortium Coordinator and RAP training staff for joint staff development and parent involvement.

(7) Head Start and SEA will work to maximize resources available through other agencies including Title XIX and EPSDT in accordance with Federal Guidelines. Efforts will be expended to eliminate duplication of effort.

(8) Records, with parental permission, will be transferred. Any destruction of the record must be in accordance with the Family Rights and Privacy Act after consulting with the parents and informing them of their potential value for future services.

The basis of this agreement is in accordance with state and federal rules regarding Head Start programs and SEA compliance with P. L. 94-142.

Sherwood Washington, Director
Division of Economic Opportunity

Leslie Fisher

Leslie Fisher
State Superintendent of Public Instruct

Faye Campbell

Faye Campbell, Director
Head Start Training and Technical Assistance

Date: April 26, 1979

COOPERATIVE AGREEMENT
BETWEEN THE
OKLAHOMA STATE DEPARTMENT OF EDUCATION
AND
OKLAHOMA INDIAN HEAD START GRANTEES

CHICKASAW NATION
Tribal Name

Received Special Education
MAY 29 1985
State Dept. of Education

The purposes of this agreement are as follows:

(1) To assure a working relationship between the two parties involved in the provision of special education services of handicapped Indian children.

(2) To assure that both agencies meet the needs of the handicapped as stated in P.L. 94-142 and Oklahoma Statutes.

(3) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the development of individualized education programs and maintenance of all confidentiality procedures.

In order to achieve these assurances and insure maximum utilization of resources, the two agencies agree to cooperate and coordinate their activities in the following ways:

(1) The Special Education Section in collaboration with Indian Head Start grantees will establish procedures for referral, confidential reporting, child count and subsequent service deliveries in accordance with P.L. 94-142 and Family Educational Rights and Privacy Act.

(2) The SEA and Indian Head Start grantees will jointly develop strategies which will maximize available resources through all agencies who serve handicapped children eligible for Head Start. The SEA will disseminate this information to Local Education Agencies as appropriate.

(3) The SEA will distribute information on procedural safeguards of P.L. 94-142 to the Head Start grantees and will develop a joint procedure for the monitoring of the individualized education programs in accordance with the monitoring procedures of the State Plan for Special Education in Oklahoma.

(4) Indian Head Start grantees and SEA will provide technical assistance for program development and will utilize technical assistance of the Indian Resource Access Projects, SEA and Handicap Early Education Projects to implement field tested and validated procedures for quality and efficiency.

(5) Indian Head Start grantees and SEA will collaborate with representatives of other agencies as appropriate.

(6) The existing procedures will be periodically evaluated by SEA and Indian Head Start grantees for maximum effectiveness.

John M. Folks
John M. Folks
State Superintendent

Overton James
Tribal Leader

COOPERATIVE AGREEMENT
BETWEEN THE
OKLAHOMA STATE DEPARTMENT OF EDUCATION
AND
OKLAHOMA INDIAN HEAD START GRANTEES

CREEK NATION

Tribal Name

Received Special Education

MAY 28 1985

State Dept. of Education

The purposes of this agreement are as follows:

(1) To assure a working relationship between the two parties involved in the provision of special education services of handicapped Indian children.

(2) To assure that both agencies meet the needs of the handicapped as stated in P.L. 94-142 and Oklahoma Statutes.

(3) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the development of individualized education programs and maintenance of all confidentiality procedures.

In order to achieve these assurances and insure maximum utilization of resources, the two agencies agree to cooperate and coordinate their activities in the following ways:

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(2) The SEA and Indian Head Start grantees will jointly develop strategies which will maximize available resources through all agencies who serve handicapped children eligible for Head Start. The SEA will disseminate this information to Local Education Agencies as appropriate.

(3) The SEA will distribute information on procedural safeguards of P.L. 94-142 to the Head Start grantees and will develop a joint procedure for the monitoring of the individualized education programs in accordance with the monitoring procedures of the State Plan for Special Education in Oklahoma.

(4) Indian Head Start grantees and SEA will provide technical assistance for program development and will utilize technical assistance of the Indian Resource Access Projects, SEA and Handicap Early Education Projects to implement field tested and validated procedures for quality and efficiency.

(5) Indian Head Start grantees and SEA will collaborate with representatives of other agencies as appropriate.

(6) The existing procedures will be periodically evaluated by SEA and Indian Head Start grantees for maximum effectiveness.

John M. Folks

John M. Folks
State Superintendent

Tribal Leader

Janet Lee, Head Start Direct

TRIBAL LIAISON

INFORMATION REPORT

Tribe: Creek

Principal Officer: Janet Lee
Address: PO Box 580, Okmulgee, OK
Telephone: 918-756-8700 ext 837

Number of Head Start Centers: 3

Location of Head Start Center and Head Start Center Director

Eufaula	Name: Raylene Stafford
Number of children served through this center: 67	Address: 800 Forrest Ave., Eufaula, OK
	Telephone: 918-689-5613
Yeager	Name: Jane McKane
Number of children served through this center: 66	Address: Rt 1 Box 308, Holdenville, OK
	Telephone: 405-379-6693
Sapulpa	Name: Vicki Haug
Number of children served through this center: 36	Address: 520 S. Adams, Sapulpa, OK
	Telephone: 918-227-4931
	Name:
Number of children served through this center:	Address:
	Telephone:

Tribal Agreement with Oklahoma State Department of Education? Yes X No ___

Facilitator: Pete Beaver Indian Education Section SDE

COOPERATIVE AGREEMENT
BETWEEN THE
OKLAHOMA STATE DEPARTMENT OF EDUCATION
AND
OKLAHOMA INDIAN HEAD START GRANTEES

CHEROKEE NATION
Tribal Name

Received Special Education

MAY 28 1985

State Dept. of Education

The purposes of this agreement are as follows:

(1) To assure a working relationship between the two parties involved in the provision of special education services of handicapped Indian children.

(2) To assure that both agencies meet the needs of the handicapped as stated in P.L. 94-142 and Oklahoma Statutes.

(3) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the development of individualized education programs and maintenance of all confidentiality procedures.

In order to achieve these assurances and insure maximum utilization of resources, the two agencies agree to cooperate and coordinate their activities in the following ways:

(1) The Special Education Section in collaboration with Indian Head Start grantees will establish procedures for referral, confidential reporting, child count and subsequent service deliveries in accordance with P.L. 94-142 and Family Educational Rights and Privacy Act.

(2) The SEA and Indian Head Start grantees will jointly develop strategies which will maximize available resources through all agencies who serve handicapped children eligible for Head Start. The SEA will disseminate this information to Local Education Agencies as appropriate.

(3) The SEA will distribute information on procedural safeguards of P.L. 94-142 to the Head Start grantees and will develop a joint procedure for the monitoring of the individualized education programs in accordance with the monitoring procedures of the State Plan for Special Education in Oklahoma.

(4) Indian Head Start grantees and SEA will provide technical assistance for program development and will utilize technical assistance of the Indian Resource Access Projects, SEA and Handicap Early Education Projects to implement field tested and validated procedures for quality and efficiency.

(5) Indian Head Start grantees and SEA will collaborate with representatives of other agencies as appropriate.

(6) The existing procedures will be periodically evaluated by SEA and Indian Head Start grantees for maximum effectiveness.

John M. Folks

John M. Folks
State Superintendent

Tribal Leader

COOPERATIVE AGREEMENT BETWEEN THE OKLAHOMA STATE DEPARTMENT OF EDUCATION AND OKLAHOMA INDIAN HEAD START GRANTEES

CHOCTAW NATION
Tribal Name

The purposes of this agreement are as follows:

(1) To assure a working relationship between the two parties involved in the provision of special education services of handicapped Indian children.

(2) To assure that both agencies meet the needs of the handicapped as stated in P.L. 94-142 and Oklahoma Statutes.

(3) To assure due process procedures and nondiscriminatory practices in determining eligibility and placement for services including the development of individualized education programs and maintenance of all confidentiality procedures.

In order to achieve these assurances and insure maximum utilization of resources, the two agencies agree to cooperate and coordinate their activities in the following ways:

(1) The Special Education Section in collaboration with Indian Head Start grantees will establish procedures for referral, confidential reporting, child count and subsequent service deliveries in accordance with P.L. 94-142 and Family Educational Rights and Privacy Act.

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(3) The SEA will distribute information on procedural safeguards of P.L. 94-142 to the Head Start grantees and will develop a joint procedure for the monitoring of the individualized education programs in accordance with the monitoring procedures of the State Plan for Special Education in Oklahoma.

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(6) The existing procedures will be periodically evaluated by SEA and Indian Head Start grantees for maximum effectiveness.

John M. Folks
John M. Folks
State Superintendent

Tribal Leader

TRIBAL LIAISON

INFORMATION REPORT

Tribe: CHOCTAW NATION

Page 1 of 2

Principal Officer: HOLLIS E. ROBERTS, CHIEF

Address: Drawer 1210 Durant, Ok 74702

Telephone: 405/924-8280 Contact Person: Nancy Belvin, Director

Number of Head Start Centers: 8

Location of Head Start Center and Head Start Center Director

Antlers, Oklahoma

Number of children served through this center: 20

Name: Choctaw Nation Head Start / Kelly Gorden Teacher,

Address: P.O. Box 97 Antlers, Ok 74523

Telephone: 405-298-2113

Bennington, Ok

Number of children served through this center: 15

Name: Betty Trammell, Teacher

Address: P.O. Box 174 Bennington, Ok 74723

Telephone: 405/ 847-2767

Bethel, Ok

Number of children served through this center: 20

Name: Rosalie Parnell, Teacher

Address: P.O. Box 98

Telephone: 405/ 241-7781

Broken Bow

Number of children served through this center: 31

Name: Kathleen Gallegos, Teacher

Address: P.O. Box 747 Broken Bow, Ok 74728

Telephone: 405/ 584-6680

Tribal Agreement with Oklahoma State Department of Education? Yes X No

Facilitator:
Nancy Belvin, Head Start Program Director
Myrtle Cusher, " " " Assistant Director
Chryl Burnett, " " " Education Coordinator

TRIBAL LIAISON

INFORMATION REPORT

Tribe: CHOCTAW NATION
Page 2 of 2

Principal Officer: HOLLIS E. ROBERTS, CHIEF
Address: Drawer 1210 Durant, Ok 74702
Telephone: (405) 924-8280 **Contact Person:**
Nancy Belvin, Directo

Number of Head Start Centers: 8

Location of Head Start Center and Head Start Center Director

Durant, Ok
Number of children served through this center: 32

Name: Cora Jane Collins, Teacher
Address: P.O. Box 1210 Durant, Ok 74702
Telephone: (405) 924-8536

Idabel, Ok
Number of children served through this center: 31

Name: Anita Navarro, Teacher
Address: P.O. Box 1436
Telephone: (405) 286-7930

Mc Alester, Ok
Number of children served through this center: 31

Name: Kathey Sloan, Teacher
Address: Rt. 5 Box 582 McAlester, Ok 74501
Telephone: (918) 423-9360

Wright City, Ok
Number of children served through this center: 30

Name: Phyliss Tumbleson, Teacher
Address: P.O. Box 529
Telephone: (405) 981-2634

Tribal Agreement with Oklahoma State Department of Education? Yes X No____

Facilitator:
Nancy Belvin, Head Start Director
Myrtle Cusher, Assistant Director
Chryl Burnett, Education Coordinator

Due Process in Special Education

GUIDELINES
For
Parents and School Administrators

Prepared by

SPECIAL EDUCATION SECTION

1907

Oklahoma State Department of Education
John M. Folks
State Superintendent of Public Instruction

1987

DUE PROCESS PROCEDURES

Oklahoma State Department of Education
Special Education Section

A GUIDE FOR PARENTS AND SCHOOL ADMINISTRATORS

The Oklahoma State Department of Education, in compliance with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) Executive Order 11246 as amended, Title IX of the Education Amendments of 1972, and other federal laws and regulations, does not discriminate on the basis of race, color, national origin, sex, age. religion, handicap, or status as a veteran in any [illegible] its policies, practices, or procedures. This includes but is not limited to admission, employment, financial aid, educational and counseling services.

Final Adoption
by the
State Board of Education
August 24, 1978

First Revision - May 24, 1979
Second Revision - February 25, 1982
Third Revision - March 30, 1983

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DUE PROCESS PROCEDURES

INTRODUCTION

Under the authority of the Education for All Handicapped Children Act of 1975, P.L. 94-142, and 70 O.S. Supp. 1978, Section 3-104, and the Oklahoma Administrative Procedures Act, 75 O.S. 1971, Sections 301 et seq., the Oklahoma State Department of Education, in keeping with the constitutional rights and privileges accorded its citizens, does hereby establish the following policies and procedures to guarantee due process protection to children and their parents in regard to the identification, evaluation and appropriate educational placement of children.

These policies and procedures in addition to the requirement of P.L. 94-142 and 75 O.S. 1971. Sections 301 et seq., shall be used by local educational agencies, parents and the state approved hearing officers in fulfilling their duties and responsibilities concerning the education of children.

I. WHO MAY REQUEST A DUE PROCESS HEARING AND FOR WHAT PURPOSE.

A. A due process hearing may be requested by the local education agency (the school) or the parents of the handicapped or purported to be handicapped child when a disagreement cannot be solved by informal parent conference or mediation.

B. These disagreements would concern proposal or refusal to initiate or change the identification, evaluation, educational placement of the child or the provision of a free appropriate public education to the child.

II. HOW TO REQUEST A DUE PROCESS HEARING

A. A request for a due process hearing may be initiated in the following manner:

1. If the parents request a due process hearing, they must present a written request for a hearing to the local school administrator stating the child's name, date of birth, current grade or class placement, and give the reason for challenging the identification, evaluation, placement or appropriateness of the education of the child in question. At the same time a copy of this request must be mailed to the State Department of Education.

2. If the Local Education Agency requests the due process hearing, it must provide written notice of the request to the parents, in the primary language of the home, informing them of the reason for the request. At the same time, a copy of this request must be mailed to the State Department of Education.

B. It is strongly recommended that all correspondence be certified mail, return receipt requested, to provide documentation.

C. The time lines concerning a due process haring will begin when a written request is received by the State Department of Education, Special Education Section, from either the parent or the school.

III. PRE-HEARING PROCEDURES

A. LOCAL EDUCATION AGENCY (SCHOOL) RESPONSIBILITY

1. Correspondence to parents

a. RIGHTS
Detailed description of all the rights and procedural safeguards. SDE-Form I

b. INDEPENDENT EVALUATION
List of agencies which can provide an independent evaluation of the child's educational needs if desired by the parents. (Federal Register, August 23, 1977 § 121a.503 (b):

> "A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. However, the public agency may initiate a hearing under 300.506 (see Federal Register) of this report subpart to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent evaluation, but not at public expense.")

c. LEGAL COUNSEL
The fact that there are agencies in some areas from which legal counsel may be obtained for those unable to pay. (These would primarily be Legal Aid Societies within the community). However, legal representation is not a requirement for a hearing.

d. ACCESS TO RECORDS
The parents or their representative, upon request, shall have the right and shall be given the opportunity, at any reasonable time, to inspect and review all education records regarding the identification, evaluation, education placement or the provision of a free appropriate public education of the handicapped child. The school may charge a reasonable fee for copies of such records, if the fee does not effectively prevent the parents from exercising their right to inspect and review such records.

e. EVIDENCE AND WITNESSES
The parties shall have the opportunity to present evidence and confront, cross-examine, and compel the attendance of witnesses. The parent shall pay the expense of any witness impelled to testify at the hearing by the parent other than officers, employees or agents of the local or state education agency.

f. STATUS OF CHILD DURING PROCEDURES
Assurance that the child will remain in his/her present educational placement until the final due process hearing and appeal decision has been issued (except that in emergency situations where the safety or health of the child or of other persons would be endangered by continuing the present placement). Educational placement may be changed by agreement of both parties (parent/school).

g. NOTIFICATION
A statement informing the parents that they will be notified at least ten (10) calendar days prior to the hearing, of the identity of the hearing officer, and of the date, time and location of the hearing.

h. TIME LINES
That a decision by an appointed, qualified hearing officer shall be issued within forty-five (45) days from the date when the written request is received by the State Department of Education, Special Education Section.

i. COMMUNICATION WITH HEARING OFFICERS
And, that communication with the appointed hearing officer by either party without the presence of the other party is prohibited. That if any communication is necessary to the hearing, such communication shall be reduced to writing and copies thereof shall be mailed to all involved parties including the SDE.

2. Mediation

Within ten (10) calendar days (or as soon as possible) of the initial hearing request, the Local Education Agency (school) shall attempt to resolve the disagreement by an informal parent conference and/or mediation. (Note: See Section IV, Mediation). If resolution of the problem occurs at this time, a signed cancellation must be sent to the State Department of Education. The person(s) requesting the hearing must sign to cancel the hearing. (Form No. 2).

3. Postponement

a. If both parties agree in writing to a postponement of the hearing, the State Department of Education, Special Education Section, may grant this request.

b. If either party is in disagreement concerning a postponement, the assigned Hearing Officer will make the decision.

c. Requests for postponement must be in writing and received by the State Department of Education, Special Education Section, or Hearing Officer no later than five (5) days prior to the hearing.

4. Other School Responsibilities

a. Exchange with the parents no later than five (5) calendar days before the hearing the following:
(1) copies of all evidence,
(2) a list of witnesses who may be called to testify,
(3) no evidence or witnesses may be presented at the hearing unless the five day prior notice has been followed.

b. Provide a surrogate parent to represent a child, when required, from the list approved by the SDE. When the child is represented by a surrogate parent, such information concerning the surrogate parent shall be introduced into the record of the hearing by the LEA, including information leading to the assignment and appointment of the child's particular surrogate parent.

c. Determine and ensure SDE notification if an interpreter will be needed. (For Hearing Impaired or native language).

d. Provide the appearance of appropriate school personnel for testimony at the hearing as determined by the LEA or requested by the parents at no cost to the parents.

e. Provide evidence and testimony at the hearing to substantiate the position of the school district.

f. Assure that the hearing location is in readiness, accessible and that it is reasonably convenient to the parent and child involved.

g. Contact the SDE regarding recording and transcription of the hearings.

h. Follow proper time lines (See LEA Checklist)

   1. Notify SDE upon receipt of request of due process hearing by either party.

   2. Be aware the beginning date of the procedure is when the SDE receives request.

   3. Upon receipt of request for records by parents/representative; send copies within seven (7) calendar days.

   4. Make mediation attempt immediately but not later than ten (10) calendar days after request.

   5. Submit evidence and list of witnesses at least five (5) days before the hearings, to the parents.

   6. If it is necessary to subpoena witnesses and/or records, make the request at least ten (10) days prior to the hearing. Contact the Hearing Officer of further information.

   7. Upon appointment of the Hearing Officer by the SDE make any challenge concerning the impartiality of the Hearing Officer immediately to the State Department of Education, Special Education Section.

(a) If the SDE finds that the reasons for questioning of impartiality are valid, a new H.O. will be appointed.

(b) If the SDE determines that the H.O. is impartial, no new H.O. is appointed.

(c) At the hearing, the H.O. cannot be challenged or removed; however, any objections may be entered into the hearing record.

B. PARENTS/REPRESENTATIVE RESPONSIBILITY

1. Parents are encouraged to participate in the formal parent conference and/or mediation with the school. (Note: See Section IV, Mediation). If resolution of the problem occurs at this time, a signed cancellation must be sent to the State Department of Education. The person(s) requesting the hearing must sign to cancel the hearing (Form No. 2). If both parties agree, in writing, to a postponement of the hearing, the SDE, Special Education Section, may grant the request. If either party is in disagreement concerning a postponement, the assigned H.O. will make the decision.

2. Parents must continue to send the child to school in compliance with the compulsory attendance law.

3. Exchange with school five (5) calendar days before the hearing the following:

   (1) copies of all evidence
   (2) a list of witnesses who may be called to testify. Parents must list all witnesses including local school personnel that they want to testify. Even if that witness appears on the other party's list, all witnesses for each party must be listed.
   (3) no evidence or witnesses may be presented at the hearing unless the five day prior notice has been followed.

4. Notify the school if an interpreter (deaf or native language) is needed, at least ten (10) calendar days prior to the hearing.

5. Decide if the hearing will be an open or closed hearing. Since a hearing will involve confidential information, only the parent(s) can make this decision. The parent must sign a written statement requesting an open hearing. (Form 4) The parent may decide whether the child in question attends the hearing. Without a signed consent all hearings will be closed.

6. If it is necessary to subpoena witnesses and/or records, make request to the hearing officer at least ten (10) days prior to the hearing.

7. Upon appointment of the Hearing Officer by the SDE, make any challenge concerning the impartiality of the Hearing Officer immediately to the State Department of Education, Special Education Section.

   (a) If the SDE finds that the reasons for questioning of impartiality are valid, a new H.O. will be appointed.

   (b) If the SDE determines the H.O. is impartial, no new H.O. is appointed.

   (c) At the hearing, the H.O. cannot be challenged or removed; however, any objections may be entered into the hearing record.

C. STATE DEPARTMENT OF EDUCATION, SPECIAL EDUCATION SECTION RESPONSIBILITY

   1. Upon receipt of a request for a due process hearing, the SDE will notify both parties of:

      a. A date, time and location of the hearing

      b. The identification of the Hearing Officer, at least ten (10) calendar days prior to the hearing. Any challenge concerning the impartiality of the Hearing Officer must be made immediately by either party. Ensure that the Hearing Officer assigned to a particular hearing is impartial. Any party to a due process hearing may challenge the assignment of a particular hearing officer. Upon a showing that the appointed Hearing Officer is biased or other good cause, a new Hearing Officer will be assigned.

   2. Provide, at public expense, appropriate SDE personnel for evidence and testimony as requested by the LEA or parents.

   3. Provide a list of interpreters for the deaf or interpreters fluent in the primary language spoken in the child's home, if requested.

   4. Upon request, provide a trained SDE person to act as chairperson for the mediation.

5. Provide the LEA with an approved list of available persons to serve as surrogate parents, upon request.

6. Appoint Appeal Officer.

D. HEARING OFFICER RESPONSIBILITY

1. Compel attendance of witnesses and/or copies of records. The Hearing Officer will issue any subpoenas needed. Subpoenas will be issued to those witnesses and/or for records that have direct relationship to the case. The Hearing Officer has the right to question the relevancy of the request(s) for subpoenas.

2. Require the furnishing of information and the production of books, records, papers or other evidence that may be necessary and proper for the hearing upon request of either party.

3. Accept depositions, if requested.

4. If there is disagreement concerning a postponement the assigned Hearing Officer will make the decision. If the postponement is agreed upon by both parties, the SDE will grant the postponement. All requests for postponement must be in writing.

5. Will not correspond with either party without the knowledge of the other party. If communication is necessary to the hearing, such communication shall be reduced to writing and copies mailed to all involved parties, including the SDE.

6. Grant extension of time (See Section V).

IV. MEDIATION

A. The Oklahoma State Department of Education does hereby seek to resolve disputes between parents and educators concerning the education of a handicapped, or purported to be handicapped, child through mediation.

B. The Comment to Section 300.506, the federal regulations to P.L. 94-142, provides the following:

> "Many states have pointed to the success of using mediation as an intervening step prior to conducting a formal due process hearing. Although the process of mediation is not required by the statute or these regulations, an agency may wish to suggest mediation in disputes concerning the identification, evaluation, and educational placement of handicapped children, and the provision of a free appropriate public education to those children. Mediations have been conducted by members of State Educational agencies or local educational agency personnel who were not previously involved in the particular case. In many cases, mediation leads to resolution of differences between parents and agencies without the development of an adversarial relationship and with minimal emotional stress. However, mediation may not be used to deny or delay a parent's right under this subpart."

C. Mediation may be requested by either party but must be attended by both parties. The parties involved may or may not have representatives at the mediation, however, those persons attending should be in a position of authority to make decisions.

D. The mediator must be a "Third Party" person who is impartial. Although the mediator is not in a position to make any decisions, neutrality is imperative to conduct the mediation fairly. Trained mediators may be requested from the State Department of Education, Special Education Section.

E. Either party may refuse to participate in a conference without prejudice to any procedural safeguard afforded under this manual or any applicable state or federal law. Also, the mediation meeting does not alter the required time lines.

V. EXTENSION OF TIME

There can be delays in the forty-five (45) day time line if the following regulations are followed.

A. A request for postponement is made in writing and in the Hearing Officer's possession at least five (5) calendar days prior to the hearing date.

B. There are valid reasons such as:

1. Need for additional time to secure new evidence.
2. Conflicting schedules of either or both parties.
3. Justifiable circumstances beyond control.

C. If both parties agree in writing to a postponement of the hearing the SDE, Special Education Section, may grant the request.

D. If either party is in disagreement concerning the postponement, the assigned Hearing Officer will make the decision.

E. After the hearing has been convened, any continuation or delay will be at the discretion of the Hearing Officer. If possible, the data for reconvening will be set before the hearing is adjourned and put into the record.

VI. NONAPPEARANCE

In the event that one of the parties is not present at the hearing, and as long as notification procedures have been adhered to, the hearing may proceed. Proof shall be entered into the record that the absent party had proper and required notice of the hearing. The Hearing Officer should then make the decision, based upon the evidence presented; but may decide to reconvene the hearing, if necessary.

VII. GUIDELINES FOR SETTING UP THE DUE PROCESS HEARING

A. The Hearing Officer's responsibility is to maintain a professional atmosphere and to insure that the proceedings are not abused so that each party may present his evidence and testimony in a fair and impartial manner. The Hearing Officer has the authority for complete control of the meeting.

B. Setting: The hearing shall provide both parties with the opportunity to be heard, to present their evidence and testimony and to confront and cross-examine witnesses.

1. The hearing room should be of an appropriate size to accomodate all members of both parties and accessible to handicapped. In the case of an open hearing the room must be large enough to provide adequate seating for the public.

2. An accessible second room must be available for the sequestering of the witnesses.

3. In order to conduct the hearing in a productive atmosphere consideration should be given to appropriate seating, table space to accomodate the Hearing Officer and both parties (three tables preferred), noise control, temperature, etc.

4. Since all hearings are tape recorded, the setting must be conducive to proper recording. Advice concerning this may be obtained from the SDE due process hearing consultant.

C. Witnesses

1. All witnesses shall be sequestered in open and closed hearings at all times. After testimony witnesses may be excused by the Hearing Officers to leave if both parties agree that no further testimony is needed.

2. In certain instances, the party or their representatives may wish to investigate a witness's background to obtain information regarding credentials, qualifications and training. The Hearing Officer will need to determine whether or not the background information is necessary to bring into testimony. In most cases, the determination that the teacher is certified to serve his/her position by the State of Oklahoma is sufficient. The Hearing Officer will need to keep the focus on the appropriateness of activities for the child and may curtail interrogation which is not designed toward the goal.

3. A hearing may be rescheduled, when necessary, upon a showing by any party that a necessary witness is unable to attend at the scheduled time due to uncontrollable circumstances.

4. Each party must list all witnesses they may use.

    a. The school will list the school personnel.

    b. There may be duplication. Each party must list the witness on their list even if that person is on the other party's list.

    c. No witnesses will be allowed who are not on the lists. However, if both parties agree to having a witness who is not on either list, the Hearing Officer may rule to accept such a witness.

5. The school will make the arrangement for school personnel to be witnesses (those persons on the school's and parent's lists).

6. Parent's witnesses, other than school personnel, will be notified by the parent.

D. Evidence

1. Reports submitted by the parent not based on factual data but simply a statement of the child's behavior can be accepted as evidence. Evidence given by parents, non-professionals, and others associated with the child may be considered.

2. Copies of all written reports used as evidence must be submitted to the Hearing Officer and will become a part of the record.

3. Exhibits - any document to be placed in evidence should be marked by the Hearing Officer essentially as follows:

   "School District Exhibit I; 7-15-74 (H.O.'s initials)"
   or

   Parent Exhibit A; 7-15-74 (H.O.'s initials)

4. If information obtained from a taped recording is to be submitted as evidence, it must be in the form of a typed transcript.

5. Questions concerning the evidence should pertain only to the document itself and its admissibility. Objections may be offered to its admissibility, after which the Hearing Officer should state whether the document is received in evidence or rejected and why.

6. The strict rules of evidence are not applicable to due process hearings. Any evidence deemed of probative value may be considered by the Hearing Officer during the course of the hearing.

E. Who May Attend

The Hearing Officer shall exclude all persons from the hearing other than the parties, counselors of the parties, SDE representative, witnesses (who will be sequestered) and Hearing Officer "trainees", unless the hearing is open to the public.

F. Conference: Pre-Hearing

The purpose of the pre-hearing conference is to expedite the due process hearing.

On the day of the hearing upon arrival of both parties, the Hearing Officer will meet with the parties' representatives to:

1. identify representatives,
2. clarify the purpose of the hearing,
3. determine if procedural safeguards have been followed,
4. establish hearing protocol.
5. query parties regarding preliminary problems, objections or questions, and
6. discuss other issues of special concern.

At the end of this conference, the Due Process Hearing shall be convened.

VIII. FORMAL DUE PROCESS HEARING

A. Authority -

Due process includes a set of procedures to insure that the civil rights assured by P.L. 94-142 and Section 504 of P.L. 93-516 are not denied. A part of this process is the convening of a meeting of the parties and their representatives.

The purpose of the meeting is to obtain all possible information relative to the issue which created the impasse between school and parents.

The due process hearings are administrative procedures, no' legal courts of law. The guidelines in P.L. 94-142 and Section 504 of P.L. 93-516 are not definitive or extensive and leave the development of administrative law and procedure for these hearings to the individual states. It must be noted that the development of procedures for implementing Section 300.501 of P.L. 94-142 is left to the State Department of Education under its authority in State Law (See Article III, Section 33 (2), School Laws of Oklahoma 1980)

The Hearing Officer's authority is provided for in the Oklahoma State Plan as amended under Part B of the Education of the Handicapped Act P.L. 93-380, P.L. 94-142 and Oklahoma Administrative Procedures Act, 75, O.S. 1971, Section 301, et.seq.

It must be clearly understood by both parties, school/parent, and their representatives that the Hearing Officer has the authority and the control of the hearing at all times.

B. Procedures

1. Convening the hearing by the Hearing Officer (official recording begins)
    a. The opening statement by the Hearing Officer shall include:
        1. Self-introduction, function, role and authority.
        2. Establishing whether hearing is open or closed.
        3. Introduction of persons representing each party (name, position, address)
        4. Statement regarding the confidentiality of the proceedings,
        5. Reason for hearing

6. Preliminary problems, objectives or questions (as may have been determined by prehearing conference)

7. Ground rules: the Hearing Officer must assure both parties that they will each have an opportunity to fully present their positions, documentary evidence and/or testimony which is relevant but not overly repetitive or redundant.

8. Questions concerning due process compliance

   a. All procedural safeguards have been complied with, or
   b. Specific areas of non-compliance are read into the record.

9. Establish that both parties have exchanged the evidence at least five (5) days before the hearing. At this time, objections will be heard and ruled on.

b. Submission of evidence by both parties

2. Opening Statements by the Parties

   a. The representative of the complaining party (the party requesting the hearing) shall present its position in a brief oral statement.

   b. The representative of the responding party shall present its position in a brief oral statement.

   c. These statements are not considered to be evidence or testimony and shall not be considered in the decision making process.

   d. No objections may be made by either party during opening statements.

3. Examination and Cross-examination

   (1) give name, address and relationship to the case and

   (2) answer this question: "Do you affirm that your statements are true to the best of your knowledge?"

b. The complaining party (school or parent) shall present its case first and the responding party (school or parent) shall then present its case. Following direct examination, each school district's witness shall be subject to cross-examination. Cross-examination should be concerned with the evidence presented in direct testimony. However, since the paramount interest of the child is the major intent of the hearing, cross-examination may explore areas not given under direct testimony. However, the hearing officer shall reserve the right to limit interrogatories that appear no* to be relevant to the issue at hand.

c. Following presentation of the complaining party's case, the responding party shall then be given an opportunity to present evidence and testimony in the case of the complaining party.

d. If it appears to the hearing officer that, during the presentation of a specific witness, sufficient clarity was not obtained concerning the presented issue, then the hearing officer shall have the right to pursue examination of the witnesses.

e. In addition, following direct testimony and cross-examination, either party shall have the right to recross and redirect examination. However, this practice will be curtailed by the Hearing Officer whenever deemed necessary.

f. The Hearing Officer will query both parties as to whether or not they wish to present further documentary evidence or testimony.

g. If the hearing officer does not think sufficient evaluation and/or evidence is available to make a decision, then the Hearing Officer may order the child to be further evaluated at the expense of the Local Education Agency. The hearing will be reconvened in order to present the additional evaluation.

4. Closing Statements

   a. The representative of the complaining party shall summarize its position in a brief oral statement.

   b. The representative of the responding party shall summarize its position in a brief oral statement.

   c. These summary statements are not considered to be evidence or testimony and shall not be considered in the decision making process.

   d. No objections may be made by either party during closing statement.

5. Closure of the Hearing

   a. The Hearing Officer's closing statement will include the following: He/she will

      (1) Obtain a copy of the record

      (2) Study evidence and testimony carefully

      (3) Render a decision based on evidence, testimony, state and federal law.

(4) Assure the time of the decision will be within the mandated time lines.

(5) Send both parties a copy of the decision

(6) State that this decision is binding upon the parents (or the child, if over the age of majority) and the Local Education Agency unless it is appealed.

(7) Explain appeal process

b. Hearing is officially closed, giving date and time (this goes into record)

c. After the hearing, the Hearing Officer should obtain addresses from both parties where the decision will be sent.

d. Make sure there are copies of all exhibits.

6. Decision

The Hearing Officer has the duty to render a decision, based solely upon evidence and testimony acquired during the hearing process, within forty-five (45) days of the initial request. (Unless an extension of time has been granted - See Section V on Extension of Time)

a. Such decision shall be in writing and shall be mailed by certified mail, return receipt requested, to both parties and the State Department of Education, Special Education Section.

b. The decision of the Hearing Officer shall include findings of fact, reasons thereof and conclusions thereon. If the decision disapproves a proposed education program, it shall include a statement of an adequate and appropriate educational program for the child.

c. The decision of the Hearing Officer shall state that this decision is binding upon the parents or the child (if over the age of majority) and upon the local education agency, subject to procedures for administrative or judicial appeal. (See Written Decision Format for statement to be made)

d. Written Decision Format

(1) Cover page stating:

   (a) Student's name and case number
   (b) Reason for hearing
   (c) Parties to hearing: parent's name/school and representatives of each party
   (d) Request by school or parent
   (e) Date of hearing, time and location
   (f) List of witnesses
   (g) List of evidence (brief description if needed)
   (h) List date of decision

(2) Decision - very clearly stated so there can be no misunderstanding of exactly what the decision is.

(3) Statement giving the facts and reasons for reaching the decision.

(4) Statement of related concerns if appropriate.

(5) Statement that if either party is aggrieved by this decision a appeal may be made to the State Department of Education, Special Education Section, for a review of the decision by an appointed Appeal Officer. This request must be postmarked within thirty (30) calendar days after date of receiving the decision.

(6) Signature of Hearing Officer at bottom of the above written decision format.

IX. FINANCIAL RESPONSIBILITY

A. Local Education Agency (School)

1. Provide officers, employees or agents of the LEA, for evidence, and testimony at the hearing.

2. Provide Officers, employees or agents of the LEA, at the request of the parents, without cost to the parents.

3. Cover cost of the LEA's representative and witnesses.

4. Determine and notify State Department of Education if an interpreter will be needed. Any cost involved will be paid by the school.

5. Pay for any independent educational evaluation requested by the Hearing Officer as part of the hearing.

6. Reimburse the Hearing Officer for all his/her expenses relative to the hearing. This expense will be approved by the Special Education Section and will include: travel, food, lodging (if necessary) and cost of conducting the hearing and the decision making.

7. The cost of the recording of the proceedings and subsequent transcript.

8. Any cost for facilities (i.e., meeting room) and equipment rental (for recording).

B. Parents

1. Parents may be charged a reasonable fee for copies of the child's records, if the fee does not effectively prevent the parents from exercising their right to inspect and review such records.

2. Pay for their own legal counsel or representatives if there is cost involved. This also would include parent's witnesses if there is any costs. School personnel as witnesses will be at no cost to the parents.

3. Any travel expense of the parents, their representative and their witnesses will be the responsibility of the parents.

C. State Department of Education

1. Any cost involved with training Hearing Officers will be handled through SDE in-service.
2. The appointment of the Hearing Officer (i.e., correspondence, telephone calls, etc.) will be handled by the SDE at no cost to the school or parents.
3. Upon request, SDE personnel will serve as witnesses or present evidence and testimony at no cost to either party, (including time and travel).
4. The cost of Due Process Hearing Appeal Officer will be paid by the SDE at the current rate paid consultants.

D. Hearing Officer

Although the Hearing Officer has no financial responsibilities, he/she must fill out the proper forms for all expenses. This will be sent to the SDE for approval and the SDE will send to the school for reimbursement. (see SDE - Form 5A, Due Process Hearing)

X. DUE PROCESS HEARING DECISION APPEAL

To guarantee due process protection to children and their parents in regard to the identification, evaluation and appropriate educational placement of the child, there is a procedure by which either party, for any reason, who is not in agreement with the Due Process Hearing Decision may appeal. This right to protest the decision is addressed in the Federal Register, 300.510 (appendix A) and is in the form of an appeal to the Oklahoma State Department of Education, Special Education Section.

A. The procedures for this are:

Within thirty (30) calendar days of the receipt of the Due Process Hearing decision, a written appeal (by letter or Form 4) will be made o the State Department of Education, Special Education Section, Room 263, Hodge Building, 2500 N. Lincoln, Oklahoma City, Oklahoma 73105.

1. Appeal request letter is date stamped and logged in; Special Education Section sends memorandum to both parties indicating an appeal request has been received;

B. An Appeal Officer will be selected to hear the protest. (Federal Register, August 23, 1977 - 300.510 & 20 USC, Section 1415C)

1. The Appeal Officer for a specific case will be selected utilizing a rotation system, from a State Board of Education approved pool of individuals meeting the qualifications outlined in the Federal Register.

2. The Appeal Officer conducts a preliminary review of the evidence, testimony, and transcript of the local hearing;

3. The Appeal Officer considers preliminary findings and a decision is made as to need for additional data or new evidence;

4. The Appeal Officer will have no direct correspondence with any of the parties in the case without making such correspondence available to all parties. Telephone contact should be limited to clarifying procedure and establishing time and place for a formal review, if needed;

5. The Appeal Officer notifies the parties of:

   a. The need for more evidence and a formal hearing; or,

   b. The decision that no additional evidence is needed; no formal hearing will be held and a review decision will be forthcoming.

6. If a formal hearing is needed, the Appeal Officer establishes the time and date and notifies the parties. Time and date may be subject to the availability of the parties and can be delayed by request if substantiated by reasonable cause.

7. Both parties will be notified of their right to submit written position statements or briefs if no formal meeting is to be held;

8. Both parties will be notified of all hearing rights if new evidence or oral arguments are requested by the Appeal Officer.

C. The following time lines will apply to the Appeal Process:

1. Appeal must be requested and postmarked within ten (10) calendar days of the receipt of the initial hearing decision.

2. The intent or desire to introduce new evidence or testimony must be communicated to the Appeal Officer whether orally (confirmed in writing) or written within ten (10) calendar days of the parties' receipt of the notice of an appeal. Copies of new evidence or a list of witnesses and the general thrust of their testimony should accompany the request to present new material. If the initial request is by telephone, the petitioner should be prepared to indicate the general nature and thrust of the proposed new material and send the written confirmation as soon as possible. The Appeal Officer may accept new evidence which may or may not be entered into the record depending upon the nature and relevancy of the new evidence submitted. In any event the new evidence submitted must be made available to both parties by the party submitting such evidence.

   If the new evidence is entered into the record and a formal hearing will be held unless both parties agree in writing to the submission of the new evidence and do not desire a hearing to challenge said evidence.

   Delays requested in the submission of new material or evidence will be treated as a request for a delay in the review and may result in the decision being delayed a proportionate time. Any request for a delay must be submitted at least five (5) calendar days prior to the formal hearing or the 30 day extension due date.

3. If a formal appeal meeting is held, the parents have the right to determine if it shall be open or closed. A form, signed by the parents will be required and it must be in the Appeal Officer's possession five (5) calendar days prior to the formal appeal hearing if the meeting is to be open. (See Form 7)

4. If a formal appeal meeting is held, all documentary evidence (new) and the names of witnesses and the general thrust of their testimony (new) must be exchanged by each party and be in their possession at least five (5) calendar days prior to the meeting. Any material not meeting the above requirement will be accepted only with the consent of both parties.

5. Appeal review decisions will be in the mail within thirty (30) calendar days of the receipt of the review request by the Appeal Officer. To prevent delay, appeal requests should be marked: Attention: Appeal Officer, Due Process Hearings, Special Education Section, State Department of Education.

6. Delays in the thirty (30) calendar day time line may occur if:

   (a) Either party requests additional time to secure new evidence, subject to the Appeal Officer's decision that new or additional evidence is needed;

   (b) A formal hearing is to be held and either party requests a postponement because of conflicting schedules or other valid cause for delay;

   (c) The Appeal Officer requests additional information which would require a time extension; or

   (d) The Appeal Officer requires additional time due to justifiable circumstances beyond his/her control.

D. The decision made by the Appeal Officer is final, unless a party brings a civil action under P.L. 94-142, Federal Register 300.512 (Appendix A).

APPENDIX A
P.L. 94-142 - FEDERAL REGISTER

FEDERAL REGISTER
Tuesday, August 23, 1977

Department of Health, Education and Welfare Office of Education

Education of Handicapped Children Implementation of Part B of the Education of the Handicapped Act P.L. 94-142

300.506 Impartial due process hearing.

(a) A parent or a public educational agency may initiate a hearing on any of the matters described in 300.504(a) (1) and (2).

(b) The hearing must be conducted by the State educational agency or the public agency directly responsible for the education of the child, as determined under State statute, State regulation, or a written policy of the State educational agency.

(c) The public agency shall inform the parent of any free or low-cost legal and other relevant services available in the area if:

(1) The parent requests the information; or

(2) The parent or the agency initiates a hearing under this section.

(20 U.S.C. 1416 (b) (2).)

> Comment: Many States have pointed to the success of using mediation as an intervening step prior to conducting a formal due process hearing. Although the process of mediation is not required by the statute or these regulations, an agency may wish to suggest mediation in disputes concerning the identification, evaluation, and educational placement of handicapped children, and the provision of a free appropriate public education to those children. Mediations have been conducted by members of State educational agencies or local educational agency personnel who were not previously involved in the particular case. In many cases, mediation leads to resolution of differences between parents and agencies without the development of an adversarial relationship and with minimal emotional stress. However, mediation may not be used to deny or delay a parent's rights under this subpart.

300.507 Impartial hearing officer.

(a) A hearing may not be conducted:

(a) By a person who is an employee of a public agency which is involved in the education or care of the child, or

(2) By any person having a personal or professional interest which would conflict with his or her objectivity in the hearing.

(b) A person who otherwise qualifies to conduct a hearing under paragraph (a) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

(c) Each public agency shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.
(20 U.S.C. 1414 (b) (2).)

300.508 Hearing rights.

(a) Any party to a hearing has the right to:

(1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children;

(2) Present evidence and confront, cross-examine, and compel the attendance of witnesses;

(3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(4) Obtain a written or electronic verbatim record of the hearing;

(5) Obtain written findings of fact and decisions. (The public agency shall transmit those findings and decisions, after deleting any personally identifiable information, to the State Advisory Panel established under Subpart F).

(b) Parents involved in hearings must be given the right to:

(1) Have the child who is the subject of the hearing present; and

(2) Open the hearing to the public.
(20 U.S.C. 1415 (d).)

300.509 Hearing decision: appeal.

A decision made in a hearing conducted under this subpart is final, unless a party to the hearing appeals the decision under 300.511.

300.510 Administrative appeal; impartial review. .

(a) If the hearing is conducted by a public agency other than the State educational agency, any party aggrieved by the findings and decision in the hearing may appeal to the State educational agency.

(b) If there is an appeal, the State educational agency shall conduct an impartial review of the hearing. The official conducting the review shall:

(1) Examine the entire hearing record;

(2) Insure that the procedures at the hearing were consistent with the requirements of due process;

(3) Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in 300.508 apply;

(4) Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;

(5) Make an independent decision on completion of the review; and

(6) Give a copy of written findings and the decision to the parties.

(c) The decision made by the reviewing official is final, unless a party brings a civil action under 300.512.

(20 U.S.C. 1415 (c), (d); H. Rep. No. 94-664, at p. 49 (1975).)

> Comment. 1. The State educational agency my conduct its review either directly or through another State agency acting on its behalf. However, the State educational agency remains responsible for the final decision on review.
>
> 2. All parties have the right to continue to be represented by counsel at the State administrative review level, whether or not the reviewing official determines that a further hearing is necessary. If the reviewing official decides to hold a hearing to receive additional evidence, the other rights in Section 300.508, relating to hearings, also apply.

300.511 Civil Action.

Any party aggrieved by the findings and decision made in a hearing who does not have the right to appeal under 300.510 of this subpart, and any party aggrieved by the decision of a reviewing officer under 300.510 has the right to bring a civil action under Section 615(e) (2) of this Act.

300.512 Timelines and convenience of hearings and reviews.

(a) The public agency shall insure that no later than 45 days after the receipt of a request for a hearing:

(1) A final decision is reached in the hearing; and

(2) A copy of the decision is mailed to each of the parties.

(b) The State educational agency shall insure that no later than 30 days after the receipt of a request for a review:

(1) A final decision is reached in the review; and

(2) A copy of the decision is mailed to each of the parties.

(c) A hearing or reviewing officer may grant specific extensions of time beyond the periods set out in paragraphs (a) and (b) of this section at the request of either party.

(d) Each hearing and each review involving oral arguments must be conducted at a time and place which is reasonably convenient to the parents and child involved.

(20 U.S.C. 1415).

(a) During the pendency of any administrative or judicial proceeding regarding a complaint, unless the public agency and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement.

(b) If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

(20 U.S.C. 1415 (e) (3).)

> Comment. Section 300.513 does not permit a child's placement to be changed during a complaint proceeding, unless the parents and agency agree otherwise. While the placement may not be changed, this does not preclude the agency from using its normal procedures for dealing with children who are endangering themselves or others.

APPENDIX B
CHECKLIST

LEA (School) Checklist for Due Process Hearing

	Form	Time lines	Date Accomplishe
I. Request for Due Process Hearing			
A. Initiated by parent: send copy to SDE	Letter	Immediately	
B. Initiated by school: send copy to parent and SDE	Letter	Immediately	
C. Send parents copy of rights	Form 1	Immediately	
D. Send copy of child's records to parent or their representative, if requested			
II. Attempt Settlement through Mediation		Within 10 days of the request or as soon as possible	
A. Set date for mediation (working with parent)			
B. Request mediator from SDE			
C. Cancellation (if possible)			
III. Set Up Hearing			
A. Obtain date from SDE		As soon as possible	
B. Obtain name of Hearing Officer from SDE (contact SDE if question of impartiality of Hearing Officer)		At least ten (10) calendar days before hearing	
C. Obtain request from parent if it is to be an open hearing	Form 4	At least five (5) calendar days before hearing	
D. Complete information exchange	Form 3	At least five (5) calendar days before hearing	
E. Exchange copies of evidence		At least five (5) calendar days before hearing	
F. Notify all witnesses of time and place of the hearing.	Letter	At least five (5) calendar days before hearing	
Note: If subpoemas are needed for witnesses or evidence, this must be done before the five (5) day deadline because of the extra time needed to process.	Request to Hearing Officer	At least ten (10) calendar days before hearing	

	Form	Time lines	Date Accomplish
IV. Hearing Decision received			
V. Appeal, if requested	Letter	At least ten (10) days after receiving the decision.	
VI. Pay Hearing Officers Expenses	Form 5 (Received from SDE)	As soon as possible	
VII. Pay for Transcript		As soon as possible	

APPENDIX C
FORMS

SDE-Form 1
Due Process Heari

Due Process Rights of Parents

1. The right to be represented by legal counsel.
2. The right to bring witnesses.
3. The right to request certain school personnel to be present.
4. The right to cross-examine.
5. The right to obtain an independent evaluation.
6. The right to request an open hearing, if desired (Note: Unless requested it will be a closed hearing to preserve confidentiality)
7. The right to examine and reproduce all school records at reasonable cost.
8. The right to obtain a record of the hearing upon written request.
9. The right to both parties (school and parent) to review all evidence to be introduced at least five (5) days prior to the hearing.
10. The right to ask for a Due Process Hearing Appeal review if you are in disagreement with the hearing decision.

SDE Form 2
Due Process Hearing

CANCELLATION OF DUE PROCESS HEARING

A request to the State Department of Education to conduct a Due Process Hearing has been made by ______________________________
(School District)

and ______________________________ concerning the appropriate educa-
(Parent)

tion for ______________________________. Through a prehearing conference
(Student)

and/or mediation, the request is being cancelled by the undersigned. Both parties hereby agree that a Due Process Hearing is no longer necessary to settle the disagreement.

____
Signature of Parent/Guardian

____
Signature of School Administrator

____
Date

Mail to:
Special Education Section
Coordinator for Due Process Hearings
State Department of Education
Hodge Building - Room 2-63
Oklahoma City, Oklahoma 73105

Phone: (405) 521-3351

SDE Form 3, Pg. 1
Due Process Hearing

SPECIAL EDUCATION DUE PROCESS INFORMATION SECTION

Completion of this form by both parties (school/parent) will provide specific information to the state coordinator about the pending Due Process Hearing. It should be completed by both parties and mailed to the State Department of Education, Special Education Section. It is necessary that both parties agree on the place and time at least ten (10) days before hearing. Each party must also see that a complete list of witnesses and evidence is given to the other party at least five (5) days before the hearing.

I. Date: ______________________________

II. Parent's Name ______________________________

Address ______________________________

Phone ______________________________

III. Child's Name ______________________________ Age __________

IV. School Name ______________________________

Administrator ______________________________

Address ______________________________

Phone ______________________________

V. Request for Due Process Hearing made by ______________________________
(School or Parent)

VI. Reason for Request ______________________________

____

____

____

VII. At the request of the parent, this hearing ________will or ______will not (check one) be open to the public. If the hearing is to be open, complete Form #4 (or similar signed parent's permission for an open hearing).

VIII. Will an interpretor for the deaf or a person fluent in the primary language of the home be needed? Yes______ No______

If yes, describe ______________________________

The State Department of Education will arrange for the interpretor if needed.

IX. Persons who may be called to testify: (school)

Name	Title	Address & Phone

X. Persons who may be called to testify: (parent)

Name	Title	Address & Phone

SDE Form 4
Due Process Hearin

OPEN HEARING REQUEST FORM

I, ____, the legal guardian
(Parent's Name)

of ____, am requesting that
(Student's Name)

this hearing be open to the public and hereby waive our rights concerning the confidential material which may be discussed during the Due Process Hearing to be held ____________________________.
(Date)

I understand that in order for the Hearing Officer to reach a decision, confidential information pertaining to our child may be discussed in the Due Process Hearing. I also realize that by having an open hearing, information brought out during the hearing cannot be guaranteed to be kept confidential. Realizing all of the above statements, I do hereby request that the Due Process Hearing be open to the public.

Signed: ______________________________________ Date: ______________________
(Parent's Name)

SDE-Form 3A
Due Process Hearing

HEARING OFFICER EXPENSES

Name ____________________ Date ______________

Address ____________________

____________________ Social Security # ______________

Due Process Hearing at ____________________ on ______________.
(School) (Date)

Item	Explanation		Amount
Travel (same as current rate for state employees)	Home to Hearing Site (Round Trip)	________	
	Turnpike Tolls	________	
	Other (Explain)	________	
	Total	________	________
Lodging (same as current rate for state employees)	Number of Nights (Receipt Attached)	________	________
Meals @ $5.00 each	Number of Meals	________	________
Compensation Hearing (same as current rate for consultants used by the SDE. (Writing) Decision $150.	Hearing	________	
	Decision	$150.00	
	Total	________	________
Other Expenses	Secretarial Services	________	
	Copying	________	
	Postal (Receipt Attached)	________	
	Phone Calls (Explain)	________	
	Other (Explain)	________	
	____________________		
	____________________		
	Total	________	________
	TOTAL		________

Comment ____

____

____

These expenditures (Form 5) were necessary in conducting the Due Process Hearing involving ______________________ (school district) and ____________________ (parent)

An accurate description is given for each expenditure. Upon receiving the check for the total cost, I will be responsible for paying all of the above expenses, having the appropriate person sign their "received payment", and mail this completed form back to the State Department of Education with receipts attached.

(Hearing Officer)	(Hearing Officer)
(Address)	(Address)
(Date)	(Date)

The School District will send the Hearing Officer(s) a check in the amount of ______________________ (total cost) to cover the total of the approved Due Process Hearing expenditures. The Hearing Officer(s) will complete the form for reimbursing the appropriate persons and have them sign upon receipt of payment.

(State Department of Education)	(Date)

SDE Form 7
Due Process Appeal Review

OPEN HEARING REQUEST FORM

DUE PROCESS APPEAL

I, ____, the legal guardian
(Parent's Name)

of ____, am requesting that
(Student's Name)

this Appeal Review be open to the public and hereby waive our rights concerning the confidential material which may be discussed during the Appeal Review held ____________________________.
(Date)

I understand that in order for the Appeal Review Officer to reach a decision, confidential information pertaining to our child may be discussed in the Appeal Review. I also realize that by having an open review, information brought out during the review cannot be guaranteed to be kept confidential. Realizing all of the above statements, I do hereby request that the Appeal Review be open to the public.

Signed: ________________________________ Date: ____________________
(Parent's Name)

Return to:
Appeal Officer
Special Education Section
State Department of Education
2500 N. Lincoln
Oklahoma City, Oklahoma 73105

PART I
LEA APPLICATION

CHECKLIST
for
LOCAL EDUCATION AGENCY DISTRICT PLAN DEVELOPMENT and REVIEW

FOR
SPECIAL EDUCATION
IN
OKLAHOMA

Oklahoma State Department of Education
John M. Folks
State Superintendent of Public Instruction

1987

LOCAL EDUCATION AGENCY (LEA) DISTRICT PLAN

A district plan for special education is required to be submitted to the Special Education Section, State Department of Education, for the purpose of determining a local district's plan for compliance with requirements of P.L. 94-142 as amended and other federal and state law as applicable.

Each district plan for special education will set forth the policies and procedures utilized by the Local Education Agency (LEA) in the delivery of a free appropriate public education to all handicapped children, as well as, assurances required by federal regulations.

An assurance statement is a strong statement of intent from one agency to another. The assurance statements required by the regulations must have the signature of an authorized official for the district which must comply with the requirements of each part. This signature will be notarized.

The attached checklist provides an outline for the composition of the district plan. The district plan must address all, but not be limited to the components of the checklist. For most components, a description of district policies, procedures and activities should be written.

Additional requirements for the submission of the district plan for special education are as follows:

1. Districts making application for funds will be required to submit a district plan *with* the application for funds. *Each* district participating in a cooperative must submit a district plan *with* the LEA application for funds.

2. Districts *not* making application for funds will be required to submit Part I - district plan for special education. Part II is the actual application for funds.

3. Timelines for Part I completion are when funds are requested (Part II) anytime after July 1, 1987, or no later than August 31, 1987.

The district plan written in 1987 may be used for three years with updated - amendments as needed.

The attached *checklist* will also be used by the State Department of Education, Special Education Section, to review the local education agencies district plan.

STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION SECTION
JULY 1987

DISTRICT PLAN CHECKLIST FOR SDE REVIEW OF LOCAL DISTRICT PLANS FOR FY 1988-1990

District:

Reviewer:

Date Plan Received by Reviewer:

Date Review Completed:

Status of Plan (check one):

__________ Acceptable as submitted (recommended for grant award)

__________ Unacceptable (changes must be made before the grant award)

Summary (Provide a listing of any deficiencies):

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Section 3: Proper Functioning of Hearing Aids 3

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KEY TO CITATIONS:

34 CFR - Code of Federal Regulations
OS - Oklahoma Statute
CFR (300's) - Public Law 94-142
CFR (76's) - Education Department General Administrative Regulations (EDGAR)

SECTION	SUBJECT
1 1.1	**FREE APPROPRIATE EDUCATION** All children with exceptional needs for whom the publ agency is responsible are provided with a free appropria public education (FAPE) defined by state and feder statutes. [34 CFR 300.121(a)] [OS 70-13-1011] The LEA must ensure that special education and relat services are provided to all eligible children with exception education needs. The assurance statement must decla services to the following children: 1. Ages birth through 21 for severely handicapp who have not completed a secondary program. 2. Ages 4 through 21 who have not completed secondary program. 3. Handicapped children equivalent to proportiona number of nonhandicapped children. [34 CFR 300.300; 34 CFR 300.5; 34 CFR 300.13]; [OS 70-13-111(b)] 4. The LEA must identify the person responsible special education programming.
1.2	The LEA ensures compliance with Section 504 of t Rehabilitation Act of 1973, 29 U.S.C. 794: "No otherwi qualified handicapped individual . . . shall, solely by t reason of his handicap, be excluded from the participati in, be denied the benefits of, or be subjected discrimination under any program or activity receivi federal financial assistance." [34 CFR 76.500; 34 CFR 104.4] [OCR-OSDE-MOU]
1.3	The LEA ensures compliance with Title VI of the Ci Rights Act of 1964, 45 U.S.C. 2000d through 2000 d-4: "N person in the U.S. shall, on the basis of race, color or nation origin be excluded from the participation in, be denied t benefits of, or be subjected to discrimination under educational program or activity receiving federal financ assistance. [34 CFR 76.500; 34 CFR 104.4] [OCR-OSDE-MOU]

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SECTION	SUBJECT
1.4	The LEA ensures compliance with Title IX of the Educatio Amendments of 1972, 20 U.S.C. 1681-1683: "No person i the U.S. shall, on the basis of sex, be excluded from th participation in, be denied the benefits of, or be subjected t discrimination under any educational program or activit receiving federal financial assistance." [34 CFR 76.500; 34 CFR 106.] [OCR-OSDE-MOU]
1.5	LEA provides description of process to ensure child fin which includes the following: 1. Person designated to cover child find. If this service is provided by a special educatio co-op, the LEA is still responsible for havin documentation in the local school. 2. Description of child find procedures. Include a description of the method used by th district to determine which children are currentl receiving special education and related service and which children are not receiving such service but are eligible. 3. Documentation is required; such as newspape articles, brochures, community awarenes programs, radio spots, posters, etc. 4. List those handicapped children residing in th district but attending private/parochial schools an any specific procedure utilized to find thes students. 5. List all handicapped children placed out-of-stat and reason for placement. [34 CFR 300.300; 34 CFR 300.200]

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SECTION	SUBJECT
2 2.1	**RESIDENTIAL PLACEMENT** The LEA ensures that any residential placement is at no to the parent including non-medical care and room board if necessary for educational purposes. This inclu placement in a state-operated school for the handicap such as the School for the Deaf or Blind. [34 CFR 300.302] [OS 70-70-13-101; OS 70-13-104]

SECTION	SUBJECT
3 3.1	**PROPER FUNCTIONING OF HEARING AIDS** The LEA describes the methods used to ensure that hearing aids worn by deaf and hard-of-hearing childre school are functioning properly. [34 CFR 300.303]

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SECTION	SUBJECT
4	**FULL EDUCATIONAL OPPORTUNITY GOAL**
4.1	The LEA must reaffirm the goal of providing fu educational opportunities (FEO) to all handicapped childre as defined in the act through programs meeting standar established and approved by the SEA. This goal is consistent with the state's mandatory speci education law enacted in 1970 and applies to a handicapped children, 0-21, subject to the followin limitations: A. From birth thru age three, services are mandated f the blind, partially blind, deaf and hard-of-hearin children and low incidence severely multipl handicapped children, i.e., deaf-blind, retarde cerebral palsied, autistic, and other children who fail thrive from birth. (Section 13-101, 1970 Legislature) B. Full service for all handicapped, ages 4 through 18. C. Services for ages 19 thru 21 are permissive except whe a child has not received 12 years of education c completed a secondary program. [34 CFR 300.304] [OS 70-13-101; OS 70-13-111]
4.2	In consideration of meeting full educational opportunit Goal, describe the following: A. Kind and number of facilities required. B. Personnel required. C. Services required. [34 CFR 300.223]
4.3	Each LEA must describe procedures to ensure that, i meeting the full educational opportunity goal, the LE makes provision for participation and consultation wit parents or guardians of handicapped children. [34 CFR 300.226]

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SECTION	SUBJECT
4.4	**Priorities** Each LEA must provide assurance that local policy prov provision for service according to priorities as follows: 1. To continue supporting child identificati location, and evaluation activities; 2. To provide free appropriate public educatio newly identified first priority children; 3. To meet the full educational opportunity including employing additional personnel providing inservice training, in order to incre the level, intensity and quality of services provi to individual handicapped children; and 4. To meet the other requirements of Part B. [34 CFR 300.225]

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SECTION	SUBJECT
5	**PROGRAM OPTION**
5.1	Describe steps taken to ensure that handicapped childr have available to them the variety of educational progra and services available to nonhandicapped children in area served by the LEA. [34 CFR 300.305] [OS 70-13-101; OS 70-13-111; OS 70-1210-508] Address the following areas specifically: a. Art b. Music c. Industrial Arts d. Consumer and Homemaking Education e. Vocational Education f. State Mandated Testing Program
5.2	Describe steps taken to provide nonacademic a extracurricular services and activities in such manner a necessary to afford handicapped children an eq opportunity for participation in those services and activiti [34 CFR 300.306; 34 CFR 300.553] [OS 70-13-101; OS 70-13-111] a. Counseling b. Athletics c. Transportation d. Health Services e. Recreational clubs sponsored by the public agenc f. Referrals to agencies which provide assistance handicapped persons g. Employment of student 1. By public agency 2. Outside employment
5.3	A. The LEA must ensure that physical education servic specially designed if necessary, are made available every handicapped child receiving a free appropri public education. B. The LEA must ensure that each handicapped chil afforded the opportunity to participate in the regu physical education program available nonhandicapped children unless: 1. The child is enrolled full time in a separate facil or 2. The child needs specially designed physi education, as prescribed in the chil individualized education program.

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SECTION	SUBJECT
5.3	C. The LEA must insure that if specially desig physical education is prescribed in a chi individualized education program, the public age responsible for the education of that child provides services directly, or makes arrangements for it t provided through other public or private programs. D. The LEA must provide assurance that it mainta responsibility for the education of a handicapped c who is enrolled in a separate facility and that a c will receive appropriate physical education service compliance with paragraphs A and C of this section. [34 CFR 300.307] [OS 70-11-103]
5.4	The LEA must describe the following: A. The types of alternative placements that are avail for handicapped children, and B. The number of handicapped children within e disability category who are served in each typ placement. [34 CFR 300.227]

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SECTION	SUBJECT
6	**INDIVIDUALIZED EDUCATION PROGRAM (IEP)** **Provide a description of procedures that the LEA wi use to ensure compliance with each responsibility a outlined in Sections 6.1 through 6.9.**
6.1	**Public Educational Agency Responsibility** A. The public agency develops and implements a individualized education program for each of i handicapped children. B. The public agency shall develop and implement a individualized education program for each handicappe child who: 1. Is placed in or referred to a private school or facilit by that agency; or 2. Is enrolled in a parochial or other private scho and receives special education or related service from that agency. [34 CFR 300.341]
6.2	**Meetings** A. Each public agency initiates and conducts meetings fo the purpose of developing, reviewing and revising handicapped child's individualized education program B. Each public agency initiates and conducts a meetin within thirty calendar days of a determination that handicapped child needs special education and relate services. C. Each public agency initiates and conducts meetings periodically review each child's individualize education program and if appropriate revise i provisions. A meeting is held for this purpose at lea once a year. [34 CFR 300.343]

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SECTION	SUBJECT
6.3	The individualized education program team includes t following individuals; A. A representative of the public agency other than t child's teacher(s) who is qualified to provide supervise the provision of special education. [34 CFR 300.344(a)(1)] B. The child's teachers. [34 CFR 300.344(a)(2)] [SD] [OS 70-1-105; OS 70-3-104] 1. Special education teacher of suspect handicapping condition. 2. Regular teacher. C. One or both of the child's parents. [34 CFR 300.344(a)(3); 300.345(a)] D. The child, when appropriate. [34 CFR 300.344(a)(4)] E. Member of the multidisciplinary team or some oth person knowledgable about the evaluation procedur and familiar with the results of the evaluation (f initial evaluations and 3-year reevaluations). [34 CFR 300.344(b)] F. A representative of a private school or facility, wh applicable. [34 CFR 300.347(a)(2)] [34 CFR 300.348(b)] G. Other individual(s) at the discretion of the parent(s) agency. [34 CFR 300.344(a)(5)] H. A representative from the child's district of residen for a student placed in an out-of-district program. [34 CFR 300.220]

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SECTION	SUBJECT
6.4	To ensure parent participation in the individualiz education program (IEP) committee meeting, the publ agency shall: A. Notify the parents early enough so that they will ha the opportunity to attend. [34 CFR 300.345(a)(1)] B. Schedule the meeting at a mutually agreed on time a place. [34 CFR 300.345(a)(2)] C. Indicate the purpose, time and location of the meeti and who will be in attendance. [34 CFR 300.345(b)] D. Document alternative methods including telepho calls that are used to ensure parent participation wh parents cannot attend. [34 CFR 300.345(c)] E. Maintain a detailed record of phone call correspondence, and/or home visits made to encoura parents to attend if the parents do not wish participate in developing the IEP. [34 CFR 300.345(d)] F. Take whatever action is necessary to ensure paren understand the proceedings at the meetin (interpreters, native language, mode communication). [34 CFR 300.345(e)] G. Provide parents a copy of the individualized educati program on request. [34 CFR 300.345(f)]

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SECTION	SUBJECT
6.5	The individualized education program, which must prec placement, includes as a minimum, the following: A. Statement of the child's present levels of educatio performance. [34 CFR 300.346(a)] B. Statement of the annual goals including short-te instructional objectives. [34 CFR 300.346(b)] C. Statement of the specific education and related servi to be provided to the child. [34 CFR 300.346(c)] 1. Based on the child's needs rather than on availability of services. 2. Provided at no cost to the parents. 3. Participation in regular education programs able. D. The projected dates for initiation of services and anticipated duration of the services. [34 CFR 300.346(d)] E. Appropriate objective criteria and evaluat procedures. [34 CFR 300.346(e)]

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SECTION	SUBJECT
6.6	The individualized education program is in effect prior to t beginning of each school year for continuing students. [34 CFR 300.342(a)]
6.7	The individualized education program is in effect prior to t provision of services. [34 CFR 300.342(b)(1)]
6.8	The individualized education program is implemented soon as possible following the IEP meeting. [34 CFR 300.342(b)(2)]
6.9	An annual meeting is held to review and revise each chil individualized education program. [34CFR 300.343(d)]

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SECTION	SUBJECT
7	**PRIVATE SCHOOLS** **Provide a description of procedures that the LEA use to ensure compliance with each responsibilit outlined in Sections 7.1 through 7.21.**
7.1	Before a public agency places a handicapped child private school or facility in or out of district as a mea providing a free appropriate public education, the p agency shall: A. Develop an individualized education program for handicapped child placed in a private school or faci [34 CFR 300.347(a)(1)] B. Ensure the attendance at the IEP meetin participation in the meeting by other methods representative of the private school or facility. [34 CFR 300.347(a)(2)]
7.2	After a child or youth enters a private school, inform must be disseminated stating that: A. Meetings to review and revise the individual education program may be initiated and conduct the private school at the discretion of the public ag [34 CFR 300.347(b)(1)] B. Parents and a public agency representative mu involved in any decision about the IEP and agree t proposed changes before those changes implemented. [34 CFR 300.347(b)(2)] C. The public agency takes necessary steps to monito enforce compliance with Part B requirements by private school or facility that implements a ch individualized education program. [34 CFR 300.347(c); [34 CFR 300.352]

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SECTION	SUBJECT
7.3	For a handicapped child or youth enrolled in a private parochial school but receiving special education and rela services from a public agency, the public agency shall: A. Initiate and conduct meetings to develop and revise individualized education program. [34 CFR 300.348(a)] B. Ensure the participation of the private sch representatives in these meetings. [34 CFR 300.348(b)]
7.4	The public agency provides students enrolled in priv schools a genuine opportunity for equitable participation a manner consistent with the number of eligible priv school students and their needs. [34 CFR 76.651(a)(1)(2)]
7.5	The public agency maintains continuing administrat direction and control over funds and property that bene students enrolled in private schools. [34 CFR 76.651(a)(3)]
7.6	The public agency consults with appropriate representati of students enrolled in private schools during all phases the development and design of the public agency proj including: A. Which children will receive benefits under the projec B. How the children's needs will be identified. C. What benefits will be provided. D. How the benefits will be provided. E. How the project will be evaluated. [34 CFR 76.652(a)]
7.7	The public agency consults with appropriate representati of students enrolled in private schools before the subgran (i.e., local public agency) makes any decision that affects opportunities of those students to participate in the projec [34 CFR 76.652(c)]

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SECTION	SUBJECT
7.7	The public agency consults with appropriate representat of students enrolled in private schools before the subgra (i.e., local public agency) makes any decision that affects opportunities of those students to participate in the proje [34 CFR 76.652(c)]
7.8	The public agency gives the appropriate representati (private/public) a genuine opportunity to express their vi regarding each matter subject to the consultat requirements. [34 CFR 76.652(c)]
7.9	The public agency determines the following matters o basis comparable to that used in providing for participa of public school students: A. The needs of students enrolled in private schools. B. The number of those students who will participate project. C. The benefits that the public agency will provide un the program to those students (i.e., consultati inservice, use of certain instructio equipment/material). [34 CFR 76.653]
7.10	The program benefits that a public agency provides students enrolled in private schools are comparabl quality, opportunity for participation, and scope to program benefits that the public agency provides students enrolled in public schools. [34 CFR 76.654(a)]

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7.11	If the public agency uses funds under a program for publ school students in a particular attendance area or grade age level, the public agency ensures equitable opportuniti for participation by students enrolled in private schools wh A. Have the same needs as the public school students to served. B. Are in that group, attendance area, or age or grac level. [34 CFR 76.654(b)]
7.12	If the needs of students enrolled in private schools a different from the needs of students enrolled in publ schools, the public agency provides correspondingly differe program benefits. [34 CFR 76.654(c)]
7.13	As a recipient of federal funds, an LEA must provid information as follows: A. A description of how the public agency will meet th federal requirements for participation of student enrolled in private schools. B. The number of students enrolled in private schools wh have been identified as eligible to benefit under th program. C. The number of students enrolled in private schools wh will receive benefits under the program. D. The basis the public agency used to select the students E. The manner and extent to which the public agenc consulted with appropriate representatives of student enrolled in private schools. F. The places and times that the students will receiv benefits under the program. G. The differences, if any, between the program benefit the applicant will provide to public and private scho students and the reasons for the differences. [34 CFR 76.656]

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7.14	The public agency does not use program/project funds classes that are organized separately on the basis of sch enrollment or religion of the students if: A. The classes are at the same site. B. The classes include students enrolled in public scho and students enrolled in private schools. [34 CFR 76.657]
7.15	The public agency does not use program funds to finance existing level of instruction in a private school or otherwise benefit the private school. [34 CFR 76.658(a)]
7.16	The public agency uses program funds to meet the spec needs of students enrolled in private schools rather than: A. The needs of a private school. B. The general needs of the students enrolled in a priv school. [34 CFR 76.658)b)]
7.17	The public agency uses program funds to pay for the servi of an employee of a private school only if: A. The employee performs the services outside of his her regular hours of duty; and B. The employee performs the services under pub supervision and control. [34 CFR 76.660]

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7.18	The public agency maintains title to and administrati control of all equipment and supplies acquired with progra funds: A. The public agency ensures that the equipment supplies placed in a private school: 1. Are used only for the purposes of the project. 2. Can be removed from the private school witho remodeling the private school facilities. B. The public agency removes equipment or supplies fro a private school if: 1. The equipment or supplies are no longer needed f the purposes of the project. 2. Removal is necessary to avoid use of the equipme or supplies for other than project purposes. [34 CFR 76.661]
7.19	The public agency ensures that program funds are not us for the construction of private school facilities. [34 CFR 76.662]
7.20	If the average cost of meeting the needs of students in publ and private schools is different, the public agency expends different average amount commensurate with the differen in the average cost of meeting the needs of the students private schools who receive benefits under the program. [34 CFR 76.655(b)]
7.21	If the average cost of meeting the needs of students in publ and private schools is the same, the public agency expen the same average amount of program funds for a stude enrolled in a private school who receives benefits under t program as it does for a public school student who receiv benefits under the program. [34 CFR 76.655(a)]

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SECTION	SUBJECT
8	**PROCEDURAL SAFEGUARDS** **Provide a description of procedures that the LEA use to ensure compliance with each responsibilit outlined in Sections 8.1 through 8.7.**
8.1	The parents of a handicapped child are afforde opportunity to inspect and review all education records respect to: A. The identification, evaluation, and educati placement of the child; and B. The provision of a free appropriate public educati the child. [34 CFR 300.502]
8.2	A. 1. The parents of a handicapped child have the to obtain an independent educational evaluati the child, subject to paragraphs B through E be 2. Each public agency provides to parents, on req information about where an indepen educational evaluation may be obtained. B. If the parent disagrees with an evaluation obtaine the public agency, the parent has the right t independent educational evaluation (i.e., conducte a qualified examiner who is not employed by the p agency responsible for the education of the child) a public expense (i.e., which the public agency ei pays for or ensures that it is otherwise provided cost to the parent). The public agency may initi hearing to show that its evaluation is appropriat the final decision is that the evaluation is appropr the parent still has the right to an indepen educational evaluation, but not at public expense. C. If the parent obtain an independent educati evaluation at private expense, the results of evaluation: 1. Are considered by the public agency in any dec made with respect to the provision of a appropriate public education to the child, and

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8.2 cont.	2. May be presented as evidence at a hearing un the subpart regarding that child. D. If a hearing officer requests an independ educational evaluation as part of a hearing, the cos the evaluation is at public expense. E. Whenever an independent evaluation is at pu expense, the criteria under which the evaluatio obtained, including the location of the evaluation the qualifications of the examiner, are the same as criteria which the public agency uses when it initia an evaluation. [34 CFR 300.503]
8.3	A. Written notice which meets the requirements un 300.505 is given to parents of a handicapped chil reasonable time before the public agency: 1. Proposes to initiate or change the identificat evaluation or educational placement of the chil the provision of a free appropriate public educat to the child, or 2. Refuses to initiate or change the identificat evaluation or educational placement of the chil the provision of a free appropriate public educat to the child. 3. Written parental consent is obtained before: (a) Conducting an individual evaluation; [OS 70-1210.277] (b) Initial placement of a handicapped child i program providing special education related services. 4. Except for preplacement evaluation and ini placement written consent may not otherwise required as a condition of any benefit to the par or child. A parent's refusal to give written consent: A public agency may use the hearing procedures 300.506 - 300.508 to determine if the child may evaluated or initially provided special education related services without written parental consent. [34 CFR 300.504]

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8.4	A. The LEA's written notice must include: 1. A full explanation of all of the procedu safeguards available to the parents; 2. A description of the action proposed or refuse the agency, an explanation of why the age proposes or refuses to take the action, an description of any options the agency conside and the reasons why those options were rejected 3. A description of each evaluation procedure, t record, or report the agency uses as a basis for proposal or refusal; and 4. A description of any other factors which relevant to the agency's proposal or refusal. B. The notice is: 1. Written in language understandable to the gen public, and 2. Provided in the native language of the paren other mode of communication used by the par unless it is clearly not feasible to do so. C. If the native language or other mode of communica of the parent is not a written language, the pu agency takes steps to ensure: 1. That the notice is translated orally or by ot means to the parent in his or her native langu or other mode of communication; 2. That the parent understands the content of notice; and 3. That there is written evidence that th requirements have been met. [34 CFR 300.505]

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8.5	Each public agency is aware of and accesses the due pro system established and implemented by the SEA. [34 CFR 300.506 - 300.512] [MOU]
8.6	A. During the pendency of any administrative or jud proceeding regarding a complaint, unless the pu agency and the parents of the child agree otherwise, child involved in the complaint remains in his or present educational placement. B. If the complaint involves an application for in admission to public school, the child, with conser the parents, is placed in the public school program u the completion of all the proceedings. [34 CFR 300.513]
8.7	**Surrogate Parent** A. Each public agency ensures that the rights of a c are protected when: 1. No parent can be identified. ("Parent" mea parent, guardian, a person acting as a parent child or an appointed surrogate). 2. The public agency, after reasonable efforts, ca discover the whereabouts of a parent; or 3. The child is a ward of the court. B. Duty of a public agency 1. The public agency determines whether a c needs a surrogate parent, and 2. Recruits and trains a surrogate parent for the ch when needed. C. Criteria for selection of surrogates 1. The public agency selects a person as a surro who: (a) Has no interest that conflicts with the inte of the child he or she represents; and (b) Has knowledge and skills that ensure adeq representation of the child.

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8.7 cont.	D. Any person assigned as a surrogate may not be employee of a public agency which is involved in t education or care of the child. E. The surrogate parent represents the child in matters relating to: 1. The identification, evaluation, and educatio placement of the child, and 2. The provision of a free appropriate public educati to the child. [34 CFR 300.514] F. List those surrogate parents your district is n utilizing on behalf of handicapped students.

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SECTION	SUBJECT
9	**STUDENT EVALUATION** **Provide a description of procedures that the LE use to ensure compliance with each responsibi outlined in Sections 9.1 through 9.3.**
9.1	Testing and evaluation materials and procedures u the purposes of evaluation and placement of handi children are selected and administered so as not racially or culturally discriminatory. [34 CFR 300.530]
9.2	Before any action is taken with respect to the placement of a handicapped child in a special edu program, a full and individual evaluation of the educational needs is conducted in accordance wi requirements in Section 9.3 below. [34 CFR 300.531]
9.3	The public agency ensures that: A. Testing and other evaluation materials: 1. Are provided and administered in the child's language or other mode of communication, u is clearly not feasible to do so; 2. Have been validated for the specific purp which they are used; and 3. Are administered by trained person conformance with the instructions provid their producer; B. The evaluation does not rely exclusively upon te materials which are designed to provide a general intelligence quotient; C. Tests are selected and administered so as best to that when a test is administered to a chil impaired sensory, manual, or speaking skills, t results accurately reflect the child's aptit achievement level or whatever other factors t purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills where those skills are the factors which t purports to measure);

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9.3 cont.	D. No single procedure is used as the sole criterion f determining an appropriate educational program fo child; E. The evaluation is made by a multidisciplinary team group of persons, including at least one teacher or oth specialist with knowledge in the area of suspect disability; and F. The child is assessed in all areas related to t suspected disability, including, where appropria health, vision, hearing, social and emotional statu general intelligence, academic performanc communicative status, and motor abilities. [34 CFR 300.532]

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SECTION	SUBJECT
10	**PLACEMENT** **Provide a description of procedures that the LEA use to ensure compliance with each responsibili outlined in Section 10.1**
10.1	The public agency ensures that:
	A. Within 15 calendar days of receipt of evalu results, a team determines categorical eligibility. [OS 73-1-105]
	B. Data from a variety of sources is gathered considered in the placement decision. [34 CFR 300.533(a)(1)]
	C. Information obtained from all sources (inclu aptitude and achievement tests, tea recommendations, physical condition, social cultural background and adaptive behavio documented. [34 CFR 300.533(a)(2)]
	D. Interpretation of evaluation data and determinati a child's placement in special education are mac persons knowledgeable about: 1. The child; 2. The meaning of the evaluation data; 3. Placement options. [34 CFR 300.533(a)(3)]
	E. Placement decisions are made with documentati least restrictive environment considerations. [34 CFR 300.533(a)(4)]
	F. If a determination is made that a child is handica and needs special education and related service individualized in education program is develope the child and each child's placement is determ annually based on his/her individualized educ program. [34 CFR 300.522(a), 300.340-349]

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11	**REEVALUATION**
11.1	The LEA must provide assurance that it will conduc evaluation of each child based on procedures utilized initial evaluations every three years or more frequent conditions warrant or if the child's parent or teac requests an evaluation. [34 CFR 300.534]

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SECTION	SUBJECT
12	**LEARNING DISABILITIES**
12.1	Describe local policy in regard to developed criter determining the existence of a specific learning disabi accordance with [34 CFR 300.541] as quoted below:
	§ 300.541 Criteria for determining the existenc specific learning disability.
	(a) A team may determine that a child has a s learning disability if:
	(1) The child does not achieve commensurate wi or her age and ability levels in one or more areas listed in paragraph (a)(2) of this se when provided with learning experi appropriate for the child's age and ability l and
	(2) The team finds that a child has a s discrepancy between achievement and intell ability in one or more of the following areas:
	(i) Oral expression; (ii) Listening comprehension; (iii) Written expression; (iv) Basic reading skill; (v) Reading comprehension; (vi) Mathematics calculation; or (vii) Mathematics reasoning.
	(b) The team may not identify a child as hav specific learning disability if the s discrepancy between ability and achievem primarily the result of:
	(1) A visual, hearing, or motor handicap;
	(2) Mental retardation;
	(3) Emotional disturbance; or
	(4) Environmental, cultural or economic disadva

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13	**LEAST RESTRICTIVE ENVIRONMENT** **Provide a description of procedures that the LEA wi use to ensure compliance with each responsibility outlined in Section 13.1 through 13.3.**
13.1	Each public agency: A. To the maximum extent appropriate, educat handicapped children, including children in public private institutions or other care facilities, wi children who are not handicapped, and B. Ensures that special classes, separate schooling other removal of handicapped children from the regul educational environment occurs only when the natu or severity of the handicap is such that education regular classes with the use of supplementary aids a services cannot be achieved satisfactorily. [34 CFR 300.550]
13.2	Each public agency has in place a continuum of alternati placements to meet the needs of handicapped children f special education and related services. [34 CFR 300.551]
13.3	A. The child's educational placement is as close as possib to the child's residence. [34 CFR 300.552(a)(3)] B. Unless a handicapped child's individualized educati program requires some other arrangement, the child educated in the school which he or she would attend not handicapped. [34 CFR 300.552(c)] C. Consideration is given to any potential harmful effe on the child or on the quality of services which he or sh needs. [34 CFR 300.552(d)]

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14	**CONFIDENTIALITY** **Provide a description of procedures that the LEA use to ensure compliance with each responsibility outlined in Sections 14.1 through 14.13.**
14.1	The public agency ensures that it shall permit parents inspect and review any educational records relating to th child which are collected, maintained, or used by the agen [34 CFR 300.562(a)]
14.2	If a parent requests to inspect or review records, the pu agency: A. Complies with the request without unnecessary de before any meeting regarding an individualiz education program or hearing related to identification, evaluation, or placement of the child. [34 CFR 300.562(a)] B. Complies with the request within no more than days. [34 CFR 300.562(a)]
14.3	The public agency's policy regarding the right to inspect review records includes: A. A provision that the public agency responds reasonable requests for explanations a interpretations of records. [34 CFR 300.562(b)(1)] B. A provision that the public agency provides copies records containing information if failure to prov copies would effectively prevent the parent fr exercising the right to inspect and review the records [34 CFR 300.562(b)(2)] C. A provision that representatives of the parents ha the right to inspect and review the records. [34 CFR 300.562(b)(3)]

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14.4	The public agency allows a parent to inspect and revi records relating to his or her child unless the public ager has been advised that the parent does not have the author under state law governing such matters as guardiansh separation, or divorce. [34 CFR 300.562(a) and (c)]
14.5	The public agency: A. Keeps a record of parties obtaining access to educati records collected, maintained, or used under this law [34 CFR 300.563] B. The record of access includes names of the party, d access was given, and the purpose for which the pa was authorized to use the records. [34 CFR 300.563]
14.6	If any education record includes information on more th one child, the public agency ensures that the parents of t child shall have the right: A. To review and inspect only the information relating their child; or B. To be informed of that specific information. [34 CFR 300.564]
14.7	The public agency provides to parents, or request, a list the types and locations of education records collect maintained, or used by the public agency. [34 CFR 300.565]
14.8	A public agency may charge fees for copies of recor providing: A. The public agency's procedures allow for charging a for copies of records if fee does not prevent parent fr exercising the above right. [34 CFR 300.566(a)] B. The public agency does not charge a fee for search retrieval of information for the parent. [34 CFR 300.566(b)]

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14.9	Provision is made by the agency for amendment of record parent request: A. A parent who believes that the education reco collected, maintained, or used under this part inaccurate, misleading, or violate the privacy or ot rights of the child may request the participating pu agency maintaining the information to amend same [34 CFR 300.567(a)] B. The agency shall decide whether to amend information in accordance with the request withi reasonable period of time after receiving the request [34 CFR 300.567(b)] C. If the agency refuses to amend the information accordance with the request, it shall inform the par of the refusal and advise the parent of the right t hearing. [34 CFR 300.567(c)] 1. On request, the agency provides an opportunity a hearing to challenge information in educat records to ensure that it is not inaccura misleading, or otherwise in violation of the priv or other rights of the child. This hearing will conducted according to the procedures und [34 CFR 99.22]. [34 CFR 300.568; 34 CFR 300.570] 2. If, as a result of the hearing, the agency deci that the information is inaccurate, misleading otherwise in violation of the privacy or other rig of the child, it amends the information accordin and so informs the parent in writing. [34 CFR 300.569(a)] 3. If, as a result of the hearing, the agency deci that the information is not inaccurate, misleadi or otherwise in violation of the privacy of ot rights of the child, it informs the parents of right to place in the records it maintains on child, a statement commenting on the informat or setting forth any reasons for disagreeing w the decision of the public agency. [34 CFR 300.569(b)]

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14.9 cont.	4. The agency requires that any explanation parents placed in the records of the child: (a) Be maintained by the public agency as par the records as long as the record or contes portion is maintained by the agency. [34 CFR 300.569(c)(1)] (b) Be disclosed if the records of the child or contested portion are disclosed by the agency any party. [34 CFR 300.569(c)(2)]
14.10	The agency requires that parental or adult (18 or ov student consent be obtained before personally identifia information is disclosed to anyone other than officials participating agencies collecting or using this information is used for any purpose other than meeting a requireme under this part. [34 CFR 300.571(a)(1) and (2)]
14.11	The agency documents the following safeguards regard confidentiality: A. The public agency protects the confidentiality personally identifiable information at collecti storage, disclosure, and destruction stages. [34 CFR 300.572(a)] B. One public agency official assumes responsibility ensuring the confidentiality of any persona identifiable information. [34 CFR 300.572(b)] C. All individuals collecting or using persona identifiable information have receiv training/instruction in federal and state confidential policies and procedures. [34 CFR 300.572(c)] D. Each agency maintains for public inspection a curr listing of the names and positions of the employ within the public agency who have access to persona identifiable information. [34 CFR 300.572(d)]

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14.11 cont.	E. The agency maintains educational records f years, at which time an agency may determine t information is no longer needed to provide educ services. [34 CFR 76.734] F. The agency informs parents when pers identifiable information collected, maintained, is no longer needed to provide educational serv the child. [34 CFR 300.573(a)] G. The agency requires that information that is no needed after five years to provide educational s to the child must be destroyed at the request of p (except that the student's name, address, number, grades, attendance record, classes att grade level completed, and year completed m maintained without time limitation.) Parents notified 60 days before destruction and will be the opportunity to obtain the records.
14.12	The public agency annually informs parents and adu and over) students of their rights under section 438 General Education Provisions Act, Title IV of PL 90- amended, this part [34 CFR 99], and the public ag policies and procedures regarding confidentiality, an right to file complaints regarding confidentiality. [34 CFR 99.6]
14.13	All parental rights regarding records shall pass to th upon reaching the age of majority (age 18) or when att an institution of postsecondary education, except in th of a severely or profoundly handicapped child who is determined to be incompetent to make such decisi himself.

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15	**RESPONSIBILITY FOR ALL EDUCATIONAL PROGRAMS**
15.1	That each educational program for handicapped chil administered within the district, including each pro administered by an other public agency, meets educ standards of the state educational agency (includin requirements of this part). [34 CFR 300.600] [MOA]
15.2	Each public agency shall establish and document proced for determining program effectiveness to be complet least annually. The regional accreditation officer review the program effectiveness documentation durin annual school accreditation visitation. During the an school accreditation visit the regional accreditation o completes the Annual Effectiveness Program Evalu and reviews selected confidential folders containing and Review of Placement/IEP forms. Regional accredit officer reports are submitted to the administrators o Accreditation/Special Education Sections. If problem in programming or the IEP process are identified, Special Education Section provides technical assistan aid in program effectiveness. [34 CFR 300.146]

SECTION	SUBJECT
16	**HEALTH OR SAFETY STANDARDS FOR FACILITIES**
16.1	The public agency shall comply with any federal healt safety requirements that apply to the facilities that subgrantee uses for a project. [76.683]

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17	**COMPLIANCE WITH STATUTES, REGULATIONS, STATE PLAN AND APPLICATIONS** A subgrantee shall comply with the state plan an applicable statutes, regulations, and approved application and shall use federal funds in accordance with thos statutes, regulations, plans and applications. [76.700]
17.1	Provide assurance that the LEA will comply with sta statutes, regulations, policy and procedures as approved i the Oklahoma State Plan by: A. Conforming to class size/case load policies. B. Providing that handicapped children are taugh specifically as designated by category and by a appropriately certified teacher. C. If appropriate, providing a trained paraprofessional i the teaching of handicapped children categorize multiple-handicapped and/or deaf-blind. D. If appropriate, providing homebased programs whic permit instruction outside the school setting. E. Participating in the annual 94-142 child count in manner consistent with the following: On December 1 of each year, each district shall condu a child count and report the data to the Speci Education Section through the Regional Educatio Service Center (RESC). All handicapped children wit an Individualized Education Program (IEP) which being implemented will be counted. This count must be unduplicated and documentatio must be kept that ensures the following children ar not counted: 1. Handicapped children who have been evaluated b a public agency but are not receiving speci education and related services on December 1, required by [34 CFR 300.75]. 2. Handicapped children who are not enrolled in school or program operated or supported by a publ agency as required by [34 CFR 300.753].

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17.1 cont.	3. Handicapped children who are not provided speci education and related services that meet sta standards as required by [34 CFR 300.753]. 4. Handicapped children who are receiving speci education funded solely by the Feder Government. (This category of children cou include Indian children residing on or ne reservations and handicapped children residing military facilities, unless the public agen provides special education and related services such children.) F. Completing all necessary fiscal program/dat requirements. 1. EHA-B Application (a) Part 1 - District Plan (b) Part 2 - Budget if applicable 2. PL 89-313 if applicable 3. Discretionary if applicable 4. Annual Data Report G. Comprehensive System of Personnel Development (CSPD) In accordance with the requirements of the Sta Annual Program Plan for Special Education, it assured that the following steps will be taken implement CSPD. 1. List committee:

	Name	Position/Function
Chairperson		
Administrative Representative		
Spec. Educ. Teacher		
Parent of Handicapped Child		
Vo-Tech Representative		
Other (Optional)		

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17.1 cont.	2. The purpose of this committee will be to ensure: (a) The identification of inservice training need personnel of area agencies and organizati providing services to handicapped children the provision of appropriate inservice trai programs as indicated in a formal ne assessment. (b) The establishment of procedures to acqu review and disseminate significant educatio information derived from exempl demonstration projects. 3. The CSPD committee will function so as to ac input from representatives of agencies organizations providing services to handicap children as indicated below: Regular Teachers (Elem./Sec.) Special Teachers (Elem./Sec.) Administrators Vo-Tech (Administrators-Instructional Personn Support Personnel Related Services Personnel Parents Aides/Paraprofessionals Head Start Day Care Guidance Centers School Health Services (Nurse) Other 4. The CSPD committee will review and annua update the above procedures. 5. In all instances, the CSPD committee will funct in accordance with policy and procedu established in the Annual Program Plan. [OS 70-13-105, OS 70-3-104] {34 CFR 300.380-387, 300.220, 300.284]

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18	**ADMINISTRATION/SUPERVISION OF EACH PROJECT**
18.1	The LEA certifies that it shall directly administer o supervise the administration of each project. [76.701]

SECTION	SUBJECT
19	**COMPLIANCE RECORDS**
19.1	The LEA describes its process to ensure how it shall kee records to show compliance with program requirements. [76.731]

YES	NO	PAGE NUMBER	NOTES

YES	NO	PAGE NUMBER	NOTES

SECTION	SUBJECT
20	**ACCESSIBILITY** **Provide a description of procedures that the LEA wi use to ensure compliance with each responsibility outlined in sections 20.1 through 20.2.**
20.1	The public agency program, when viewed in its entirety, readily accessible to handicapped persons. (Not eve building or part of a building need be accessible, but th program as a whole must be accessible). A. In selecting alternative plans to make progran accessible, the public agency has given priority to thos methods which allow handicapped persons participate in programs/activities in settings which a the most integrated or are in the least restrictiv environment appropriate. B. If structural changes were needed to achieve progra accessibility, the public agency has developed transition plan. C. The transition plan was developed with the assistanc of handicapped persons or organizations serving as a advisory group. D. The transition plan is available for public inspection. [34 CFR 104.22] The plan shall at a minimum: 1. Identify physical obstacles in the recipien facilities that limit the accessibility of its program or activities to handicapped persons; 2. Describe in detail the methods that will be used make the facilities accessible. 3. Specify the schedule for taking the steps necessa to achieve full program accessibility; and 4. Identify the person responsible for implementatic of the plan.

	YES	NO	PAGE NUMBER	NOTES
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SECTION	SUBJECT
20.1 cont.	E. The public agency has implemented procedures t provide interested persons information as to existence and location of services, activities a facilities that are accessible to and usable handicapped persons. 1. This information is available to persons w impaired vision or hearing.
20.2	Each public agency shall design, construct or alter facilities in such a manner that the facility or part of facility is readily accessible to and usable by handicap persons if the construction commenced after 1973.

	YES	NO	PAGE NUMBER	NOTES
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EHA-B
POLICIES AND PROCEDURES MANUAL

Prepared by

SPECIAL EDUCATION SECTION

1907

Oklahoma State Department of Education
John M. Folks
State Superintendent of Public Instruction

1987

This publication, printed by State Department of Education Printing Services, is issued by Oklahoma State Department of Education as authorized by John M. Folks, State Superintendent of Public Instruction. 1200 copies have been prepared at a cost of $840.00. *Copies have been deposited with the Publications Clearninghouse of the Oklahoma Department of Libraries.

EHA-B
POLICIES AND PROCEDURES BOOKLET

FLOW-THROUGH
DISCRETIONARY
INSERVICE (C.S.P.D.)
PRESCHOOL INCENTIVE

The Oklahoma State Department of Education, in compliance with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) Executive Order 11246 as amended, Title IX of the Education Amendments of 1972, Section 504 of the Vocational Rehabilitation Act of 1973, and other federal laws and regulations, does not discriminate on the basis of race, color, national origin, sex, age, religion, handicap, or status as a veteran in any of its policies, practices, or procedures. This includes but is not limited to admission, employment, financial aid, educational and counseling services.

POLICIES AND PROCEDURES FOR EHA-B APPLICATIONS

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INTRODUCTION

Federal legislation enacted in 1975 (Education for All Handicapped Children Act, Part B amended, P.L. 94-142 and P.L. 98-199) provides funds for special education and related services to local education agencies through the State Department of Education. For FY 87, most EHA-B monies will be awarded on the basis of non-competitive application. Local education agencies generate monies on the number of handicapped children counted as served on December 1. Funds are awarded to the State Department of Education by the Department of Education, Special Education Programs (SEP), to "flow-through" to local education agencies contingent upon local education agency application for funds (300.706). Flow-through funds, which are minimally 75% of the funds received from SEP, will be awarded on a formula which is based on the number of children served. Each child served will generate a specific amount for flow-through funds.

Discretionary funds will also be available from the State Department of Education to help local education agencies establish new programming in special education for established priorities.

Comprehensive System of Personnel Development (C.S.P.D.) funds are earmarked within the flow-through project amount. Each child served will generate a specific amount. Inservice activities are based on the needs assessment from each local C.S.P.D. committee.

Preschool incentive funds are available for FY 87 through the State Department of Education on a Request for Proposal for ten defined regions of the state.

TIMELINES FOR SUBMISSION OF APPLICATIONS

July Board Meeting

FLOW-THROUGH FUNDS	Each local education agency's entitlement for flow-through monies will be presented at the July State Board Meeting (July 23, 1987). Final letter of entitlement will be mailed upon application review and approval by the Special Education Section, State Department of Education Administration, and the EHA-B Advisory Panel.

October Board Meeting**

DISCRETIONARY FUNDS	Received by: September 8, 1987 Team Reviews & Makes Recommendations: Sept. 14 through Sept. 22 State Board Meeting: October 22, 1987 Final Letter of Approval: October 22, 1987

**Discretionary applications received after September 8, 1987 will not be considered for review. Applications recommended for approval will be submitted to the October State Board Meeting ONLY!

June Board Meeting

PRESCHOOL INCENTIVE FUNDS	Received by: May 11, 1987 Team Reviews & Makes Recommendations: June 2, 1987 State Board Meeting: June 25, 1987 Final Letter of Approval: June 25, 1987

REQUIREMENTS FOR THE USE OF EHA-B FUNDS

I. Flow-Through Funds

A. Federal Requirements

1. Must generate a minimum of $7,500. (300.190)
2. Must be of sufficient size and scope, as determined by the State Department of Education, to effectively meet the educational needs of handicapped children. (300.190)
3. Meet the excess cost requirements. (300.183)

A local education agency may only use funds under Part B of the Act for the excess costs of providing special education and related services for handicapped children. The local education agency must provide assurance on behalf of all cooperative members for having met the excess cost requirement on page 4 of the application for funds. A form for computation is included in the back of this booklet. It is not necessary to submit this form with application for funds.

B. State Requirements

The local education agency application consists of two parts: Part I--District Plan for Special Education, and Part II--Application for Funds.

1, Districts making application for funds will be required to submit a District Plan WITH the Application for Funds. EACH district participating in a cooperative must submit a district plan WITH the local education agency's Application for Funds.
2. Districts NOT making application for funds will be required to submit Part I--District Plan for Special Education no later than August 31, 1987.
3. Definitions for priority areas are on the following pages.

DEFINITIONS OF PRIORITIES

When making application for EHA-B, the following priority areas should be followed:

Continued and expanded efforts to identify and provide Special Education and Related Services for first and second priority children.

FIRST PRIORITIES

Ages 4 through 18 – Unserved and Severely Handicapped

(a) Unserved - Handicapped children who are not receiving any type of education. (Out of school)

(b) Severely Handicapped - Handicapped children who are functioning at 50% below normal expectancy. (Deaf/Hard of Hearing, Multi-handicapped, Visually Impaired, Trainable Mentally Handicapped, Orthopedically Impaired, Deaf/Blind)

Ages 0 through 3 – Severely Handicapped Unserved

These are severely handicapped children as defined above who are not receiving any type of education.

Ages 19 through 21 – Unserved who have had less than 12 years of education.

These are handicapped individuals who are not presently receiving any type of education and who have not received 12 years of education.

Ages 4 through 18 – Unserved with moderate then milder handicapped conditions

(a) These are handicapped students who are not receiving any education at all and whose handicapping conditions do not place them in the severe categories as listed above.

(b) These milder then moderate categories would be EMH, ED, LD, OHI, and Speech Impaired.

SECOND PRIORITIES

Ages 4 through 18 – Inadequately served beginning with the most severe in each category.

(a) These students may be defined as students in regular classes who are not yet identified as handicapped who are in need of special education and related services. Prioritized from most severe to least severe.

(b) Handicapped students receiving special education who are in need of related services or additional related services. Prioritized from most to least severe.

Related services are as follows: Audiology, Counseling Services, Early Identification, Medical Services, Occupational Therapy, Parent Counseling and Training, Physical Therapy, Psychological Services, Therapeutic Recreation, School Health Services, School Social Work, Speech Pathology, Transportation.

Ages 19 through 21 – Inadequately served from most to least severe.

(a) These students may be defined as students in regular classes who are not yet identified as handicapped who are in need of special education and related services who have had less than 12 years of education. Prioritize from most severe to least severe.

(b) Handicapped students receiving special education who are in need of related services or additional related services. Prioritized from most to least severe. Related services are as follows: Audiology, Counseling Services, Early Identification, Medical Services, Occupational Therapy, Parent Counseling and Training, Physical Therapy, Psychological Services, Therapeutic Recreation, School Health Services, School Social Work, Speech Pathology, Transportation.

3 years of age – Moderately Handicapped

(a) These are handicapped children who have handicapping conditions which are not classified as severe. These categories are as follows: EMH, ED, LD, and Speech or Language.

Ages 0 through 2 – Unserved, Not Severely Handicapped

(a) These are children who are not receiving any type of education and whose handicapping conditions do not place them in the severe categories of D/HH, MH, VH, TMH, OI, D/B.

Child Identification - This priority area of service would be the location, identification, and evaluation of handicapped children.

C.S.P.D. – This priority area of service would be for the identification of training needs of personnel providing services to handicapped children and to provide training for:

Regular Teachers (Elem./Sec.)
Special Teachers (Elem./Sec.)
Administrators
Vo-Tech (Administrators-Instructional Personnel)
Support Personnel
Related Services Personnel

Parents
Aides
Headstart
Guidance Centers
Day Care
School Health Services (Nurse)
Other

II. DISCRETIONARY FUNDS

A. Application Requirements

1. The same EHA-B application form (Part II) used for Flow-Through funds will be used for Discretionary funds. Disregard the FY 87 Carry-Over budget form and all references to FY 87 Carry-Over funds.

2. In addition to the submission of the Discretionary application, a job description for each person employed with these funds, except Special Education classroom teachers, must be included in the application. A statement of how the program will be funded the following year is also required.

3. If funds requested exceed state Discretionary allocation, each project budget will be subject to reduction in funds in order to fund as many requests in priority areas as possible.

4. Discretionary funds will be awarded for new programs on a first priority basis to those applicants who have already employed teachers for the requested grant.

5. Discretionary funds will be awarded for new programs on a first priority basis to applicants who will agree to accept students on a transfer basis from other districts, or to cooperatives who serve a multi-district area.

6. If the Discretionary application is approved by the State Board of Education, a letter of approval along with appropriate claims and expenditure reports will be sent. Funds will be claimed on a quarterly reimbursement method.

B. Priorities

Funds will be awarded to Discretionary projects based on the following priorities:

1. First Priority Use of Funds

   a) New programs* for severely handicapped
      1) Visually Impaired
      2) Multi-handicapped
      3) Deaf
      4) Trainable

   b) New programs* for Seriously Emotionally Disturbed elementary and secondary.

   c) Related Services for new programs for severely handicapped.

   d) Unique equipment for new programs for severely handicapped.

   *New programs only; new related services or new children to existing programs are not considered new programs. Discretionary funds may cover partial costs of programs operating less than a calendar year minus the amount expended at a local and/or state level the past school year.

2. Second Priority for Use of Funds

   a) $7,500.00 for each newly employed trained paraprofessional registered with the Special Education Section who serves deaf/blind or multi-handicapped students.
   b) Salary increment of employed paraprofessional (not to exceed $7,500.00 minus last year's gross salary) who has received training and subsequent registration with the Special Education Section and is serving deaf/blind or multi-handicapped students.

3. Third Priority for Use of Funds

   a) New programs for milder handicapped

      1) Educable Mentally Handicapped
      2) Learning Disabled
      3) Speech/Language Impaired (for service to children whose primary handicap is Speech/Language Impaired.

   b) Related Services for new elementary/secondary level Special Education Programs.

III. C.S.P.D. FUNDS

A. Distribution of Funds

Comprehensive System of Personnel Development (C.S.P.D.) funds are earmarked within the Flow-Through project budget.

C.S.P.D. (Inservice) monies will be claimed with Flow-Through monies and expenditures will be reported collectively with Flow-Through quarterly and final reports.

Planning Option: If recommended by Co-op coordinators and local C.S.P.D. chairpersons, a percentage of local funds may be "pooled" and earmarked to support region-wide training programs.

B. Plan Development Procedures

Local C.S.P.D. staff development committees will complete a **Needs Assessment** and develop or plan for C.S.P.D.

Activity forms validating projected planning for inservice monies are a part of the Flow-Through application. Only fiscal agents of Flow-Through projects make direct application to the State Department of Education for funds.

IV. PRESCHOOL INCENTIVE FUNDS

A. Who is Eligible for Assistance Under the Program?

1. A Local Education Agency is eligible to receive Preschool Incentive funds if its District Plan for Special Education is approved by the State Department of Education; and
2. The Local Education Agency is willing to coordinate and serve a defined region of the state for Special Education and Related Services to any handicapped children ages birth through five.

B. What Regulations Apply to This Program?

Title VI, Education of the Handicapped Act as amended by Public Law 94-142, Education of All Handicapped Children Act of 1975, Education of the Handicapped Amendments, Public Law 98-199 and Public Law 99-457.

C. What Definitions Apply to This Program?

1. Permissive for birth to three years old mildly handicapped children.

2. Mandatory for three, four, and five year old severely handicapped children as defined in Section 213 of the School Laws of Oklahoma, 1986.

D. Specific Proposal Information

Specific Proposal information is included in the Request for Proposal for Preschool Incentive funds.

POLICIES FOR USE OF FLOW-THROUGH AND DISCRETIONARY FUNDS

1. A project activity revision will be required when changes are made in originally approved project activities and indicate on the form that it is a revision.

2. Applications for Flow-Through funds **WILL NOT BE ALLOWED** to pay the same personnel with Discretionary funds.

3. Discretionary funds are to be used for additional handicapped children or low-incidence handicapped children who need service in new programs.

4. Discretionary funds are awarded on the basis of SDE discretion as reviewed and approved through the Special Education Section, State Department of Education Administration, and the EHA-B Advisory Panel.

5. Discretionary funds are temporary (1 year) funding **ONLY** and applications for funding must be submitted and approved by SDE each year.

6. Projects funded with Discretionary funds for one year **SHOULD** be picked up by Flow-Through or other local, state, or federal sources the next year. Discretionary funds are not guaranteed to be available to districts year after year.

7. Once funded with Discretionary funds, there is no guarantee that an application will be funded **at** or **above** the same amount in the next school year.

8. Projects funded with Discretionary funds **MUST** use the funds for the approved purpose ONLY! Any unexpended funds will not be carried over into the next fiscal year.

   If a project is approved for programs, i.e., employing teachers, or providing related services through contracted services or employing related service personnel or for any other program or service, a budget revision request to change these approved services to purchase materials, supplies, and equipment will **NOT** be approved.

9. Discretionary funds may be used to pay tuition costs only if the district(s) applying for funds deduct their per capita cost from the tuition fee and use these funds to pay the amount above the per capita cost and meet **EXCESS COST**.

10. Projects requesting Discretionary funds for direct services, i.e., employing teachers, must also met **EXCESS COST**.

11. Cash amounts are **NOT** to be disbursed to individual schools participating in cooperative programs unless the funds and their use is justified and approved in the project application by the SDE.

POLICIES ON USE OF CARRY-OVER FUNDS

1. Flow-Through funds (including C.S.P.D. Inservice) ONLY may be carried over into the next fiscal year for use in approved programs for the next school year.

2. Flow-Through funds carried over should be budgeted and expended first, within the first quarter preferably, before new funds should be expended.

3. If districts participating in a cooperative program withdraw from the cooperative or if the cooperative breaks up entirely, the disbursement and use of any remaining carry-over funds will be dispersed on a per child basis if no formal written agreement to do otherwise exists.

4. **NO CARRY-OVER will be allowed with Discretionary Funds**. Discretionary project applicants will claim funds on a reimbursement method for approved projects.

5. Claims and expenditure reports for FY 87 Carry-Over funds will be submitted on separate forms.

REGULATIONS FOR FISCAL PROCEDURES

I. ACCOUNTING PROCEDURES

A. Each district LEA must keep an adequate accounting system which shows cash received and disbursed under the project, and the amount of paid and unpaid obligations as approved in the project.

B. Separate accounts for Flow-Through, Discretionary, and Preschool Incentive must be maintained. Each funding source should be coded separately from other funding sources in order to avoid co-mingling of funds.

II. PAYMENT PROCEDURES

A. **Flow-Through and Preschool Incentive** fund applicants approved by the State Board of Education will receive one-fourth of FY 88 funds. **The release of Flow-Through funds to districts depends on State Plan approval and the release of funds from the Office of Special Education Programs.** Payment of all quarterly claims will be paid upon receipt of claim for excess of original amount received and completed quarterly expenditure reports as appropriate. Fourth quarter claims will be paid at the end of the fiscal year after all expenditure reports and final expenditure reports have been received.

B. **Discretionary Applicants** approved by the State Board of Education will receive funds based on the reimbursement method of expending funds and claiming those expenditures at the end of each quarter. Fourth quarter claims for Discretionary funds must be received at the SDE no later than July 15. Expenditures claimed after the end of the fiscal year (June 30) will not be paid from Discretionary funds.

III. WITHHOLDING OF PAYMENTS

Whenever the State Department of Education, after reasonable notice and opportunity for a hearing to any LEA, finds that there has been failure to comply substantially with any assurance signed by the LEA or in the application of funds approved by the Special Education Section and the State Board of Education, the LEA will be notified that further payment of EHA-B funds may not be made until the SDE is satisfied that compliance has been re-established.

IV. EXPENDITURE REPORTS AND PERFORMANCE REPORTS

A. Quarterly and final expenditure reports will be required. Specific instructions and forms for expenditure reports and budget revisions for each funding source will be sent following approval of applications.

B. EHA-B data reports will be required to be submitted to the SDE prior to the end of the fiscal year. The appropriate forms will be provided by the SDE.

C. All expenditure records should be retained for **five** years within the agency.

V. AUDITING PROCEDURES

Annual audits of financial transactions and accounts of each Local Education Agency are required by Oklahoma State Statutes (70-22-103). Federal regulations (OMB Circular A-102, Attachment P) require a financial and compliance audit of all programs receiving federal funds. These regulations (34 CFR Part 74) ensure that audits be made on an organization-wide basis rather than a grant-by-grant basis and according to the standards and procedures expressed therein.

LEA RESPONSIBILITIES

Single and Cooperative Districts

(Fiscal Agent for Funds)

Before accepting the responsibilities to act as the fiscal agent or local education agency of a project from EHA-B funds, the following points should be taken into consideration.

1. If Federal funds are not received until later in the school year and project personnel are employed and services rendered, the local education agency may be faced with:

   (a) Operating the project out of the general fund until federal funds are received.

   (b) Assessing other districts if participating in a cooperative program for EHA-B funds to help pay their pro rata share of the costs of implementing the project.

   (c) Issuing non-payable warrants for which EHA-B funds CANNOT be used to pay for the interest incurred.

2. As the fiscal agent for EHA-B funds, you will be responsible for completing quarterly expenditure reports, final expenditure reports, EHA-B annual data reports, and other information requested by the state education agency.

3. Project personnel employed partially with EHA-B funds and other state or local sources and who are listed on your personnel report draw tenure with your school as required by state law. A question to consider is as follows:

   (a) If you are the local education agency for a cooperative project and the cooperative project dissolves, who is responsible for the tenured project personnel?

4. Matching teacher retirement payments must be made proportionately as is applicable to each fully or partially EHA-B federally funded teacher.

5. In the case of any legal fees or court costs as a result of suits filed against the local education agency or Due Process Hearings held, EHA-B funds CANNOT be used to pay for the costs. The burden of costs rests with the local education agency and if in a cooperative program with the other districts participating in the cooperative program.

6. Project personnel employed with EHA-B funds and who are on the LEA's personnel report must be EVALUATED as required by state law.

7. The following areas should be taken into consideration when planning EHA-B programs. These suggestions are provided to help schools who participate in cooperative EHA-B programs to understand their responsibilities.

   (a) Planning for services.

   (b) Amount of services to each district of a cooperative program.

   (c) Location of services.

   (d) Amount of revenue to pay personnel and costs of program operation.

   (e) Transportation responsibilities.

   (f) Employment and termination responsibilities

   (g) Personnel administration.

COOPERATIVE DISTRICT ARRANGEMENT FOR CONSOLIDATED APPLICATIONS

Type 1: Districts who voluntarily **choose** (although they have generated $7,500 or more) to pool their EHA-B funds for the purpose of coordinated, multi-district special education and related services.

Type 2: Districts who **must** (because they generate less than $7,500) form a cooperative project in order to be eligible to make application for funds and provide special education and related service program with EHA-B funds.

SUGGESTIONS FOR ESTABLISHING COOPERATIVE DISTRICT PROJECTS

Step 1: Each district will receive information from the state education agency regarding the number of handicapped children served, amount per child, and the total amount of EHA-B funds generated.

(a) Once this information has been received, the district may start to plan on how these funds will be utilized.

(b) The district may be able to apply for funds as a single district by generating $7,500 or more or may form a cooperative program following Type 1 or 2 as indicated above.

Step 2: School districts conduct a needs assessment and determine the alternatives for receiving funds.

(a) If the districts determine a cooperative program is the best alternative or necessary alternative to funding, they may decide to form a cooperative.

(b) Cooperatives may be formed on the following basis:

(1) Multi-county
(2) County
(3) Multi-district (2 or more)

(c) If the districts choose or must form a cooperative program for funds, a letter of intent to participate should be signed by each district who will participate in the cooperative program.

Step 3: Participating cooperative districts may choose to establish an administrative board composed of a certain number of participating district administrators to help make administrative decisions regarding fiscal responsibilities, personnel, expenditure of funds, etc.

Step 4: Participating cooperative districts elect one local education agency to act as the fiscal agent for funds and may decide to employ a project coordinator to write and coordinate the project.

Step 5: Participating cooperative districts or administrative board meet to complete required application forms for EHA-B funds.

Step 6: Application for EHA-B funds is submitted to the State Department of Education for approval.

Step 7: Once application is approved by the State Board of Education and monies are received from the office of Special Education Programs, EHA-B funds are released on a quarterly basis to the local education agency.

Step 8: Participating cooperative districts must establish guidelines for the disbursement and use of any remaining carry-over funds and/or equipment and supplies should the cooperative dissolve. (Carry-over funds will be dispersed on a per child basis if no formal agreement has been established by the cooperating districts.)

Step 9: Communications regarding project approval, funding, etc., will be between the State Department of Education and the local education agency unless specified otherwise.

ALLOWABLE EXPENDITURES

I. **Funds may be used in the following areas:**

A. **Direct Services** (New or Continued)

1. Programs: Teacher/Pupil

B. **Indirect/Support Services** (New or Continued)

1. Consultive or "back-up" personnel providing direct assistance to teachers who have handicapped students with IEPs in the regular program.
2. Aides/trained paraprofessionals

C. **Related Services**

1. Speech or language pathology and audiology
2. Psychological services
3. Physical and occupational therapy
4. Recreation/therapeutic
5. Early identification and assessment of disabilities in children
6. Counseling services
7. Medical services for diagnostic or evaluation purposes
8. School health services
9. Social work services in schools
10. Parent counseling and training
11. Transportation

D. **Miscellaneous Activities**

1. Materials
2. Equipment
3. Inservice
4. Other

II. **Proposed Budget Expense Classifications and Specific Allowable Expenditures**

A. Allowable expenditures are indicated below by the expense classifications as they are listed on the proposed budget.

1. Salaries--professional and nonprofessional
2. Contracted services
3. Travel
4. Inservice
5. Materials and Supplies
6. Equipment
7. Other expense

B. FY 87 carry-over and FY 88 funds must be separated on the budget forms provided in the application

SALARIES

Professional and Nonprofessional

(Columns 3 and 4)

Personnel for columns 3 and 4 must be detailed on the proposed personnel page. (Page 7 of the application for funds.)

A. **100 Administrative Series**

Salary for a CERTIFIED special education person to coordinate project activities will be the ONLY salary allowed under this budget code.

B. **200 Instruction Series** (Column 3)

1. Salary of project coordinator
2. Salaries of special education teachers
3. Salaries of related service personnel, i.e., psychologists, psychometrists, school social workers

(Column 4)

1. Salaries of teacher aides/trained paraprofessionals
2. Salaries of secretarial and clerical personnel for services for project personnel

C. **400 Health Services Series** (Column 3)

1. Salaries of related service personnel, i.e., audiologists, school nurses, occupational therapists, physical therapists

(Column 4)

1. Salaries of aides for health service personnel, i.e., occupational therapist aide, physical therapist aide.

D. **500 Pupil Transportation**

Salaries of drivers of pupil transportation vehicles, i.e., full-time, part-time, and prorated portions of salaries.

E. **800 Fixed Charges Series**

1. School district contribution to employee retirement
2. Social security
3. Employee insurance
4. Workman's compensation
5. Unemployment

PROJECT PERSONNEL

Certification Requirements

Professional personnel paid in full or in part from EHA-B funds must be appropriately certified through the state department of education.

Persons employed as project coordinators and/or child find persons must hold a valid Oklahoma Special Education Certificate.

CONTRACTED SERVICES

(Column 5)

A contract is an agreement between two or more parties to perform a certain service for specified consideration (money or services) in return.

1. Contracted services are allowable expenditures for services provided by personnel **who are NOT on the district personnel report** and the amount of the contracted services includes all related expenses covered by the contract.

2. Contracted services must be detailed on the following contracted services page. (Page 9 of the application for funds.)

3. The amount of funds shown on the contracted services page must be the same amount shown in the budget for contracted services

A. **100 Administration Series**

   1. Prorated amount of contractual fee for federally mandated audit compliance as applicable to special education programs supported by the EHA-B monies.

B. **200 Instruction Series**

   1. Speech or Language evaluations
   2. Psychological evaluations
   3. Occupational therapists
   4. Physical therapists
   5. School health services (nurse)
   6. Therapeutic recreation
   7. Audiological evaluations
   8. Vocational technical education evaluations

   NOTE: Agreements for services provided in any categories indicated above **MUST BE MADE IN WRITING** (contract) in order to avoid disagreements over services and aid in the provision of services.

D. **500 Pupil Transportation Series**

   1. Payment to parents for transporting their children and groups of children.

      a. Suggested reimbursement is 20.5 cents a mile (state rate).

NOTE: A written agreement (which includes the number of miles to be traveled and amount per mile for reimbursement) is suggested to document efforts to provide appropriate transportation.

TRAVEL

(Column 6)

A description of how travel will be claimed, destination and purpose of travel, for project personnel is to be included on the travel expenditure page. (Page 10 of the application for funds.)

A. **100 and 200 Instruction Series**

1. Travel incurred by administrative, instructional and support personnel which includes travel in connection with everyday instructional activities and travel to conventions, meetings, and workshops.
2. Travel can be paid to personnel employed in the project, i.e., personnel listed under budget columns 3 and 4.
3. EHA-B funds may be used to help pay part of the travel costs for other instructional personnel or support personnel not employed with project funds such as work-study coordinators and/or itinerant teachers.

B. **400 Health Services Series**

SEE ABOVE.

INSERVICE

(Column 7)

A. **Guidelines for Inservice**

100 and 200 Series

1. Consultant fees: $150 per day, $50 preplanning (once per workshop), plus expenses.
2. Materials and supplies: Those necessary for inservice training activities.
3. Stipends: $25 for distances up to 60 miles (over 60 miles, per diem and mileage).
4. Suggested lodging: $28 in-state; $35 in Oklahoma City or Tulsa
5. Suggested travel: (1 car per school) (20.5 cents a mile)
6. Suggested per diem: $19 per day.
7. Professional teacher substitute pay: Those necessary for inservice training activities.

B. Annual Needs Assessment

The annual needs assessment required by 300.382 (b) may be conducted anew or each local C.S.P.D. committee could review and select unmet FY 87 prioritized needs as those to be addressed during FY 88. Additional newly identified needs could be added to form an up-to-date list.

In addition to inservice (either training or retraining); two other areas of activity are appropriate for support through C.S.P.D. funds:

1. The acquisition, review and dissemination of significant education information (300.384 (a)) which includes training designed to enable the establishment of innovative programs (300.384 (b)) and
2. The adoption of promising educational practices and materials (300.385).

Activities under one or both of these areas could include the following:

1. Membership in state and national professional special education organizations for special administrators, teachers and related services staff.
2. Subscription to journals and other publications of national special education professional organizations.
3. Purchase/duplication/dissemination/utilization of innovative special education instructional/training materials.
4. Reimbursement of expenses incurred (at state rates) in sending special services representatives to visit innovative instructional or training programs (in-state or out) with the thought of piloting and eventually adopting either the program and/or materials in the home district.
5. Reimbursement of expense incurred (at state rates) in sending representatives of special services to state and/or national professional conferences. (Participants must commit to share acquired knowledge and skills with other staff in a documented fashion upon return.)
6. Other expenses involved in developing and implementing unique strategies designed to improve the quality and expand the scope of special education programs and related services through information dissemination, training and adoption. (Adoption cannot include salary or fringe benefits.)

ATTACHED TO THE BACK OF THIS BOOKLET IS A COPY OF THE NEEDS ASSESSMENT INSTRUMENT TO BE USED BY LOCAL C.S.P.D. COMMITTEES TO IDENTIFY TRAINING NEEDS FOR FY 88.

C. Budget Revision for C.S.P.D. Activities

A procedure must be instituted that will document the input of C.S.P.D. chairpersons for each **revised activity**.

The method requiring a minimum of effort is the establishment of an advisory council (three minimum) elected by all C.S.P.D. chairpersons within the cooperative region. This advisory council will be consulted in person or by phone to recommend (through their signature) approval for changes or additions to the original proposal. If contact is accomplished by phone, the C.S.P.D. facilitator will enter and initial the name and phone number of the advisory council member contacted.

A revised page 5 and/or 12 if applicable, would be submitted with a copy of the original page 5 and or 12 attached.

Upon review and approval, the special education administrator will initial application, page 12, retain one copy and return the second copy to the C.S.P.D. facilitator. This step further refines bookkeeping procedures and reduces the possibility of an audit exception.

MATERIALS AND SUPPLIES

(Column 8)

These areas must be detailed on the materials and supplies page. (Page 13 of the application for funds.) Totals on this page must equal budget page totals.

A. **100 Administration Series**

1. Supplies used in instructional program but not consumed in actual teaching-learning process are allowable. These supplies may include office supplies, curriculum supplies, inservice training supplies, professional test instruments.

B. **200 Instruction Series**

1. Supplies and materials are "software." Supplies are consumable items such as paper, pencils, workbooks, etc. Materials include books, periodicals, instructional materials, computer software, and other related materials.
2. Instruction related materials are allowable. These materials may include software items such as kits, specialized reading, math, spelling, etc., programs.
3. If supplies, materials, and/or equipment are written into project for programs and are requested by participating cooperative project members, a detailed list of items needed and an explanation for their use should be requisitioned and approved through the local education agency (if it is an approved budget item) before funds can be released to pay for such items.
4. Inventory for the items above must also be maintained and marked appropriately. A separate list of materials and equipment must be maintained at the local education agency.

C. **400 Health Services Series**

SEE ABOVE.

EQUIPMENT

(Column 9)

Equipment must be listed and justified on the proposed list of equipment (page 14 of the Application for Funds).

A. **1230 Equipment Series (Capital Outlay Series)**

1. Equipment shall be defined as personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit and includes such items as instructional equipment and necessary furniture. All equipment purchases not originally approved must be submitted to the State Department of Education for approval prior to purchase.

2. Equipment for administrative/instruction expenditures are allowable for project personnel, i.e., desks, chairs, file cabinets, typewriters, tables, physical education equipment, other instructional related equipment must as cassette recorders, language masters, testing instruments, e.g., audiometers.

3. Specially designed equipment for handicapped students such as desks, chairs, etc., is an allowable expenditure if its use and types of students served are clarified in the project activities.

4. Equipment for pupil transportation is allowable for modification of a bus with equipment itemized.

Inventory and Labeling of Materials and Equipment

1. **Inventory**: A separate inventory list for materials and equipment is to be maintained, kept up-to-date, and an inventory taken at least once a year. The inventory should contain the following information:

   a. List of items purchased--serial numbers and models
   b. Date of purchase
   c. Quantity or number received
   d. Cost per unit
   e. Total cost of purchase
   *f. Location by school
   g. Transfer, replacement or disposition as applicable

   *If materials and equipment are purchased with EHA-B funds and are placed or checked out to schools in the project, a card file is suggested to be maintained for the materials and equipment.

2. Single and cooperative local education agencies are to maintain an inventory list and must keep materials (if still usable) and equipment purchased with EHA-B funds for a period of five (5) years.

3. If a cooperative district project dissolves or breaks into smaller units, the materials and equipment may be handled as follows:

   a. Local education agencies for previously funded cooperatives must keep materials and equipment and inventory of both, but must also make them available to previously funded cooperative members on a checkout and return basis for one year at a time.

   b. Local education agencies may disburse the supplies, materials, and equipment to individual schools within the previously funded cooperative program for their use throughout the year. The location and condition of the items placed in the schools would still be the responsibility of the local education agency to maintain and have available for review during an audit.

4. All materials and equipment are to be labeled or marked EHA-B, FY _______ with the fiscal year purchased.

5. Local education agencies for cooperative projects should develop a policy **prior** to the formation of the co-op on the process and procedure for the disbursal of supplies, materials, and equipment if the co-op should dissolve in the future.

OTHER EXPENSE

(Column 10)

A detailed description of expenditures for this category must be provided on the Other Expense page (page 15 of the Application for Funds).

A. **100 Administration Series**

1. Indirect cost rate may be used if State Department of Education, Federal Fiscal Services Division, ((405) 521-3065) has an approved Indirect Cost Proposal Plan on file for 1987-88 as of May 15, 1987. Indirect cost (IDC) for FY 88 will be allowed to be claimed from FY 88 flow-through, discretionary, preschool incentive funds, and newly appropriated carry-over funds if available.

Indirect Cost Formula

Total Budget Amount--Equipment = X
X ÷ 1.0 Indirect Cost Percentage = Y
    Example: 1.25 IDC (1.0125)
Y Multiply by Indirect Cost Percentage--IDC amount allowable
    Example: (Y x 1.25)

B. **200 Instruction Series**

1. Any expenditures must be detailed.

C. **400 Health Services Series**

1. Any expenditures must be detailed.

D. **500 Pupil Transportation Series**

1. Expenses incurred in the operation and continued maintenance of pupil transportation vehicles **listed in this project**, i.e., gas, oil, tires, etc., are allowable expenditures.

E. **Policies on Leasing and Purchasing**

1. No buses, vans, or other vehicles are to be purchased with these funds.
2. Transportation: EHA-B funds may be used to lease or lease/purchase special vans, buses, etc., (modified if needed) to transport handicapped children ONLY.
3. Lease/purchase agreements for a three year period, yearly lease agreements, or modifications of existing vehicles owned and operated by the school district are the ONLY allowable expenditures.
4. Purchasing of duplicating equipment, video type machines, expensive instructional machines, and items such as carpet, air conditioners, etc., are subject to State Department of Education approval.
5. Equipment: Leasing equipment is subject to State Department of Education approval.

F. **600 Operation of Plant Series**

1. Expenses incurred in the operation of the project, i.e., utilities, telephone, is an allowable expenditure.

G. **700 Maintenance of Plant Services**

1. Remodeling or construction of facilities is NOT allowable.

H. **800 Fixed Charges Series**

1. Expenses incurred for rental or space for project personnel and possible classroom space is an allowable expenditure.

I. **Policy on Renting**

1. If existing facilities cannot be used, facilities rented or leased with EHA-B funds must be used for approved activities which are to be explained in the project activities.

J. **1190 Outgoing Transfer Series**

1. Outgoing transfer account is for special education tuition or transfer fees.

PROCEDURES FOR REVIEW OF APPLICATION

1. Applications are to be receive on or before the timelines (page 1) in order to be considered for review for the State Board of Education meeting.

2. Upon assignment of application, finance team member has 10 days to complete the application. The following areas are considered during the review and approval process:

   a. Annual Data Report
   b. Child Count
   c. District Plan
   d. Flow-Through and Discretionary Funds
   e. State and Local Monies for Non-supplanting Requirements
   f. Monitoring Checklist and Non-compliance areas
   g. Complaints/Due Process Hearing results

3. (For Flow-Through Applications Only)
   A second review will be completed within 5 days by a different finance team member.

4. Approved Applications:

   a. If there are minor clarifications on the application, a Special Education Coordinator will be assigned to contact the project coordinator and make the necessary clarifications for approval.

   b. Approved applications are recommended to SDE Administrators for their review and approval.

   c. The Administrators, in turn, may or may not recommend the projects to the EHA-B advisory Panel and the State Board of Education.

   d. If approved by SDE Administrators, copies of approved projects are sent to the EHA-B Advisory Panel for approval and then to the State Board of Education members for their review prior to the State Board Meeting.

   e. State Board of Education meets to approve recommended projects.

   f. Final Letter of Approval is sent to LEA project.

   g. SDE authorized copy of the application is sent to the LEA along with budgetary information regarding expenditures.

5. Applications NOT APPROVED:

   a. If there are minor clarifications on the applications and/or if information regarding the areas listed above are inconsistent and several non-compliance areas noted, a letter indicating non-approval status will be sent to the LEA.

   b. If needed, an appointment will be set up with the LEA and SDE to clarify application components and/or other information which is holding up approval on the project application.

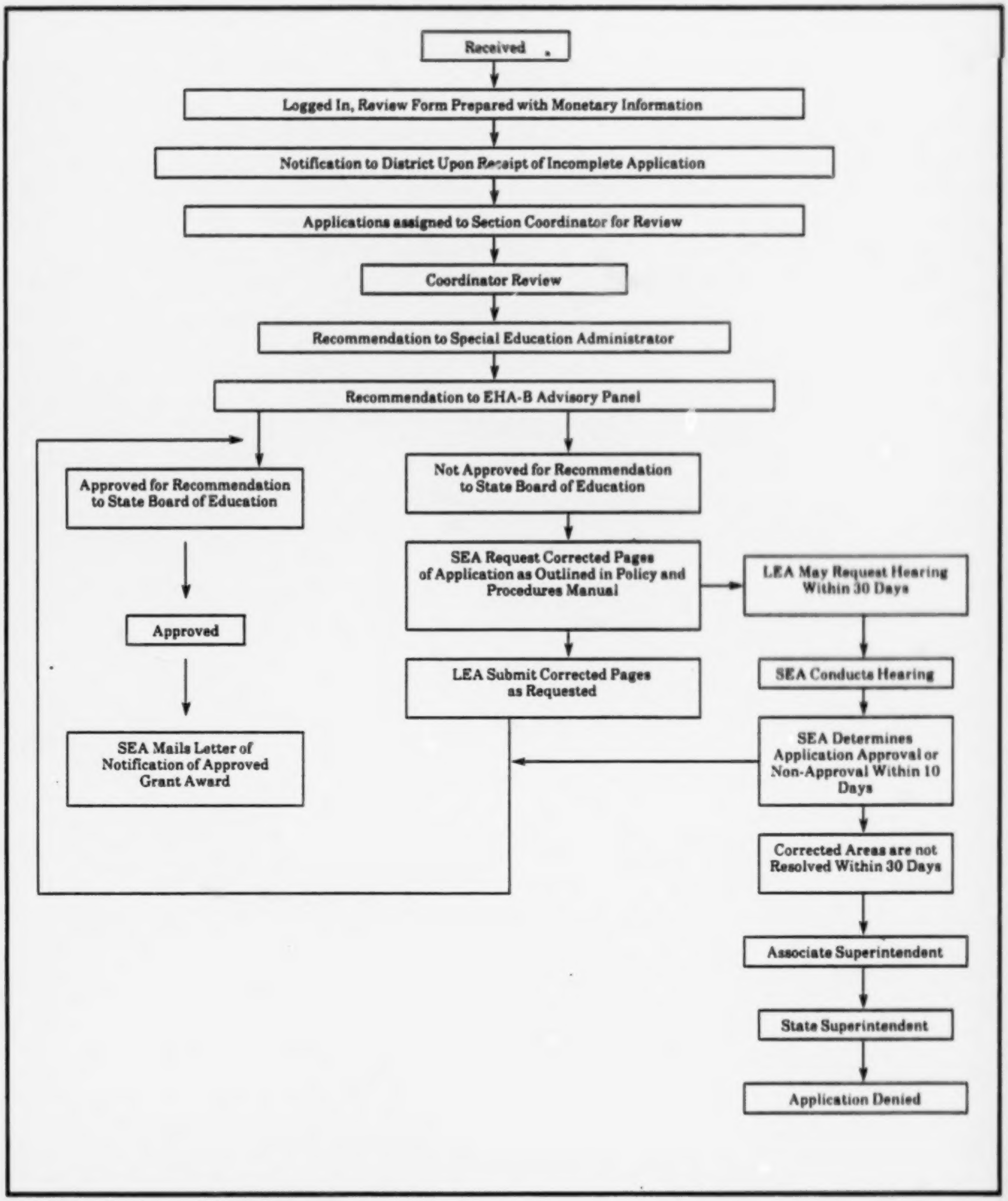
   c. The Special Education Section will review the application and information provided and may or may not recommend the project for approval.

   d. If the application is NOT recommended for funding, a letter will be sent to the LEA stating the reasons for non-approval . A LEA may request a hearing within 30 days.*

*Refer to EHA-B **Application Review Process Chart**, page 24.

EHA-B APPLICATION REVIEW PROCESS

Flow-Chart


Received
Logged In, Review Form Prepared with Monetary Information
Notification to District Upon Receipt of Incomplete Application
Applications assigned to Section Coordinator for Review
Coordinator Review
Recommendation to Special Education Administrator
Recommendation to EHA-B Advisory Panel
Approved for Recommendation to State Board of Education
Approved
SEA Mails Letter of Notification of Approved Grant Award
Not Approved for Recommendation to State Board of Education
SEA Request Corrected Pages of Application as Outlined in Policy and Procedures Manual
LEA Submit Corrected Pages as Requested
LEA May Request Hearing Within 30 Days
SEA Conducts Hearing
SEA Determines Application Approval or Non-Approval Within 10 Days
Corrected Areas are not Resolved Within 30 Days
Associate Superintendent
State Superintendent
Application Denied

SUGGESTED DOCUMENTARY FORMS
FOR DISTRICT COMPLIANCE

EXCESS COST REQUIREMENT FORM

PART I

School District	District Number	County

Regulations Citation: 300.182-186 The Excess Cost Requirements

A local education agency may only use funds under Part B of the act for the excess costs of providing special education and related services for handicapped children. Excess costs are those costs of special education and related services which exceed the minimum amount (the amount determined by completing the excess cost form for the education of ELEMENTARY and/or SECONDARY handicapped students.) Part B funds may then be used to pay for the additional costs above the determined minimum amount. The local education agency must expend as much on its handicapped students as it does on its non-handicapped students.

INSTRUCTIONS

The Excess Cost form is composed of an assurance statement and Parts I and II. The Assurance statement is for those districts who do not meet excess cost or who elect to use their funds for related services. Part I is to be completed to show how much a local education agency SHOULD be expending for elementary and/or secondary handicapped students utilizing the School District Expenditure Report, School Budget, and Statistical Report.

Part II is to be completed by the local education agency as its record to show how much is being spent on a percentage basis from each series listed in the School District Expenditure Report.

All local education agencies participating in a cooperative program may or may not meet the excess cost requirements. Cooperative programs may be written to provide direct services to school age students (elementary and/or secondary) in local education agencies who meet the excess cost requirements and may also be written to provide support or indirect services to those local education agencies who do not meet the excess cost requirements. Support or indirect services may include consultive services to teachers who may need materials, prescriptions, or suggestions for implementing IEPs for handicapped students as well as other related services as listed in the regulations.

STATE REQUIREMENTS FOR EXCESS COST FORM:

1. Excess Cost Form NOT Completed

If a local education agency elects NOT to complete the excess cost form, or once completed DOES NOT MEET excess cost, then all Part B funds must be used for related services or for eligible children from birth through four and/or ages 19 through 21. The following assurance statement must be signed and a copy maintained at the local level and a copy sent to the LEA if participating in a cooperative EHA-B project.

ASSURANCE STATEMENT

I assure that EHA-B funds will be used only for related services or for eligible children birth through four and/or ages 19 through 21 if the local education agency elects not to complete this form or does not meet excess cost requirements.

Date	Signature of Superintendent

2. Excess Cost Form Completed

If a local education agency elects to complete the excess cost form, a copy of the form must be maintained at the local and a copy sent to the LEA if participating in a cooperative EHA-B project

ASSURANCE STATEMENT

I CERTIFY, TO THE BEST OF MY KNOWLEDGE, THAT THE EXCESS COST INFORMATION IS CORRECT.

Date	Signature of Superintendent

EXCESS COST OR PER PUPIL EXPENDITURE FORM
SCHOOL YEAR 1987-88

Based on information from school year 1985-86

School District	District Number	County

1. School District Expenditures (School Budget) (1)__________
2. **SUBTRACT:** (School Budget)
   - A. Capital Outlay – (2A)__________
   - B. Community Services – (2B)__________
   - C. Debt Service – (2C)__________
   - D. All Federal, State, and local monies (school budget) spent for the basic purposes: Handicapped Children, Educationally Deprived, Bilingual Education ONLY. (If funds were not expended from the sources listed below for the three basic purposes, leave the line blank.) – (2D)__________ (Total of Items 1-16)
     - (1) Chapter I - ECIA (1)__________
     - (2) Chapter I - Handicapped (89-313) (2)__________
     - (3) Chapter 2 - ECIA (3)__________
     - (4) Title II - Economic Security Act (PL 98-377) (4)__________
     - (5) Title IV - Civil Rights Acts 88-352 (5)__________
     - (6) Title IV-A - Indian Education (6)__________
     - (7) Title VI-B - Handicapped (EHA-B) (PL 94-142) (7)__________
     - (8) Title VI-C - Special Project (Deaf-Blind) (8)__________
     - (9) Title VI - ESAA (Emergency School Aid) (PL 95-561) (9)__________
     - (10) Title VII - Bilingual Education (10)__________
     - (11) Title XIII - ESEA (ABE) (PL 95-561) (11)__________
     - (12) Gifted/Talented (12)__________
     - (13) Preschool Incentive (13)__________
     - (14) Other: JOM__________ (14)__________
       - Transition Program for Refugee Children __________
       - EOA (Headstart) __________
       - Career Education __________
       - Vocational Education __________
     - (15) State Sources for Handicapped, Educationally Deprived, Bilingual Education (15)__________
       - (a) State revenue generated through weights for school year 1985-86

         ____
       - (b) Special Services Funds (Homebound, Transportation, etc.)

         ____
       - (c) Other: CVET

         __________ __________
     - (16) Locally funded programs for Handicapped, Educationally Deprived, Bilingual Education (16)__________
3. **ADJUSTED SCHOOL DISTRICT EXPENDITURES** (Item 1 minus Items 2A, 2B, 2C, and 2D) (3)__________
4.

__________	__________	__________
Adjusted School District Expenditures	Total Average Daily Attendance (ADA) 1985 - 1986	Total Per Pupil Expenditure

5. Multiply total ELEMENTARY handicapped students (K-6) served (refer to child count taken December 1, 1985) by the Total Per Pupil Expenditure to get minimum expenditures required for ELEMENTARY handicapped students.

________	X	________	=	________
Elementary Handicapped Students Served		Total Per Pupil Expenditure (Page 1, Item #4)		Minimum Expenditures Required for Elementary Handicapped Students

6. Multiply total SECONDARY handicapped students (7-12) served (refer to child count taken December 1, 1985) by the Total Per Pupil Expenditure to get minimum expenditures required for SECONDARY handicapped students.

________	X	________	=	________
Secondary Handicapped Students Served		Total Per Pupil Expenditure (Page 1, Item #4)		Minimum Expenditures Required for Secondary Handicapped Students

---

PART II

Regulation Citation: 300.182(b) Meeting the Excess Cost Requirement: Each local education agency must keep adequate records to show that it has met the excess cost requirement.

Regulation Citation: 300.184 Excess Cost Computations of Minimum Amount: The amount a local education agency must spend on its elementary and/or secondary handicapped students may come from any funds except funds under Part B, subject to any legal requirements that govern the use of those other funds.

In order to document what is actually expended for elementary and secondary handicapped students, the following formula is provided:

7.	________	÷	________	=	________	X	________	=	________
	Total Number of Handicapped Students Served (Child Count December 1, 1985)		Total ADA (1985 - 1986)		Percentage of Handicapped Students		Adjusted School District Expenditures (Page 1, Item 3)		Amount of Funds Allowable to Claim for Handicapped Students from Adjusted School District Expenditures

8.	________	+	________	=	________
	Amount of Funds Allowable (Item #7 above)		Expenditure Total (Page 1, Item 2D)		Total Expenditures for Handicapped Students
9.	________	-	________	=	________
	Total Expenditures for Handicapped Students (Item #8 above)		EHA-B Expenditures (Page 1, Item 7)		Total Allowable Handicapped Expenditures
10.	________	÷	________	=	________
	Total Allowable Handicapped Expenditures (Item #9 above)		Total Number of Handicapped Students Served (Child Count December 1, 1985)		Actual Handicapped Per Pupil Expenditure
11.	________	X	________	=	________
	Elementary Handicapped Students Served		Actual Handicapped Per Pupil Expenditure (Item #10 above)		Actual Elementary Handicapped Expenditures
12.	________	X	________	=	________
	Secondary Handicapped Students Served		Actual Handicapped Per Pupil Expenditure (Item #10 above)		Actual Secondary Handicapped Expenditures

ITEM #11 MUST EQUAL OR EXCEED ITEM #5 FOR ELEMENTARY HANDICAPPED STUDENTS.

ITEM #12 MUST EQUAL OR EXCEED ITEM #6 FOR SECONDARY HANDICAPPED STUDENTS.

CSPD INSERVICE TRAINING NEEDS ASSESSMENT SURVEY

Public Law 94-142 State Plan requires clarification of CSPD (Comprehensive System of Personnel Development) plans. The information will be used to formulate the new 1987-1988 plan for CSPD inservice/preservice training. If you have any questions concerning CSPD or about the inservice plan for your district, contact your local district's CSPD chairperson or call Pam Sparks at the State Department of Education (405) 521-3351

PART I: DEMOGRAPHIC INFORMATION

Directions: Place an "X" next to the labels that best describe the POSITION you hold, the primary CATEGORY of students you serve or the primary SUBJECT you teach, and the category that includes the GRADE LEVEL(S) you cover. If the labels in the columns do not include your status, please check "Not Applicable" or record the information on the appropriate lines labeled "Other." On the last two lines labeled COUNTY and SCHOOL DISTRICT, record the appropriate information that describes your present location.

POSITIONS

_____ 1. Teacher
_____ 2. Speech Language
_____ 3. Administrator
_____ 4. Directory/Coordinator
_____ 5. Special Services Adm.
_____ 6. Parent
_____ 7. Occupational Therapist
_____ 8. Physical Therapist
_____ 9. Paraprofessional
_____ 10. Aide
_____ 11. Psychologist
_____ 12. Psychometrist
_____ 13. Clerical
_____ 14. Bus Driver
_____ 15. Custodian
_____ 16. Cook
_____ 17. Counselor
_____ 18. Nurse
_____ 19. School Board Member
_____ 20. State Dept. of Educ.
_____ 21. Other _____________

CATEGORY/SUBJECTS

_____ 1. Learning Disabled
_____ 2. Educably Mentally Handicapped
_____ 3. Trainably Mentally Handicapped
_____ 4. Emotionally Disturbed
_____ 5. Multihandicapped
_____ 6. Deaf/Blind
_____ 7. Visually Impaired
_____ 8. Hearing Impaired
_____ 9. Physically Handicapped
_____10. Speech/Language Impaired
_____11. Fine Arts
_____12. Vo-Tech
_____13. English
_____14. Science
_____15. Social Studies
_____16. Home Economics
_____17. Vocational Agriculture
_____18. Industrial Arts
_____19. Auto Mechanics
_____20. Math
_____21. Physical Education
_____22. Not Applicable
_____23. Other

GRADE LEVEL

_____ 1. Pre
_____ 2. K-2
_____ 3. 3-6
_____ 4. 7-12
_____ 5. P-6
_____ 6. P-12

County: ______________________________

School District: ______________________________

PART II: NEEDS ASSESSMENT

Directions: The following items have been divided into six (6) categories. However, each category is not applicable for every person completing the survey. Job categories for people who should NOT fill out a section are listed at the beginning of each section. Please complete only those categories where your position is NOT listed at the beginning.

Please note that Sections A and B refer to services and training you would provide for students, while Sections C, D, and E refer to retraining you have or would like to have for your own personal and/or professional development.

Using the following scale for each item in each section you are to complete, please circle the number indicating the amount of further information/training you feel you need in each area:

4	A Lot
3	A Moderate Amount
2	A Little
1	None
0	Not Applicable (NA)

A. CURRICULUM AND PROGRAMS FOR STUDENTS (NA: Psychologist, Psychometrist, Nurse, Occupational Therapist, Physical Therapist, Bus Driver, Clerical, Custodian, and Cook)

	A Lot	A Moderate Amount	A Little	None	NA
1. Basic reading skills	4	3	2	1	0
2. Oral language skills	4	3	2	1	0
3. Writing skills	4	3	2	1	0
4. Math calculation	4	3	2	1	0
5. Math reasoning	4	3	2	1	0
6. Reading for understanding in subject areas (Science, History, etc.)	4	3	2	1	0
7. Pre-literacy skills	4	3	2	1	0
8. Survival/daily living skills	4	3	2	1	0
9. Occupational skills (career planning)	4	3	2	1	0
10. Computer training/application	4	3	2	1	0
11. Sex education	4	3	2	1	0
12. Modifications/adaptations for regular teachers	4	3	2	1	0
14. Therapeutic uses of music, art, and drama	4	3	2	1	0
15. Chemical dependency	4	3	2	1	0
16. Self-concept	4	3	2	1	0
17. Affective/social skills	4	3	2	1	0
18. Serving the severely handicapped student	4	3	2	1	0
19. Knowledge and utilization of State Department of Education curriculum and program guides.	4	3	2	1	0
20. Other ______________________	4	3	2	1	0

B. INSTRUCTIONAL MANAGEMENT FOR STUDENTS (NA: Nurse, Bus Driver, Clerical, Custodian, and Cook)

1.	Effective mainstreaming	4	3	2	1	0
2.	Learning styles	4	3	2	1	0
3.	Behavior management	4	3	2	1	0
4.	Dynamics of learning	4	3	2	1	0
5.	Developing sequential curriculum	4	3	2	1	0
6.	Developing effective lesson plans	4	3	2	1	0
7.	Selecting instructional materials	4	3	2	1	0
8.	Alternative curriculum	4	3	2	1	0
9.	IEP Process: Pre-referral	4	3	2	1	0
10.	IEP Process: Referral	4	3	2	1	0
11.	IEP Process: Assessment	4	3	2	1	0
12.	IEP Process: Placement	4	3	2	1	0
13.	IEP Process: Ongoing IEP	4	3	2	1	0
14.	Other ____________________ ____________________	4	3	2	1	0

C. PROFESSIONAL/PARENT INTERACTIONS

1.	Coordination of instruction between special education and regular education	4	3	2	1	0
2.	Coordination of instruction between parents and school	4	3	2	1	0
3.	Techniques for involving parents in school affairs	4	3	2	1	0
4.	Information regarding outside resources--public/private services/agencies. Specify ____________________	4	3	2	1	0
5.	School board orientation toward special education	4	3	2	1	0
6.	Developing positive attitudes between regular education & special education children	4	3	2	1	0
7.	Developing positive attitudes toward handicapped children	4	3	2	1	0
8.	Promoting interagency cooperation	4	3	2	1	0
9.	Other ____________________ ____________________	4	3	2	1	0

D. PERSONAL AND PROFESSIONAL GROWTH

1.	Stress management	4	3	2	1	0
2.	Time management	4	3	2	1	0
3.	Burnout prevention/motivational techniques	4	3	2	1	0
4.	Effectiveness training	4	3	2	1	0
5.	Human/multicultural relations and awareness	4	3	2	1	0
6.	Consultation skills for better communication with others	4	3	2	1	0
7.	Developing training skills to train others	4	3	2	1	0

D. PERSONAL AND PROFESSIONAL GROWTH (cont.)

8.	Medical aspects of handicapping conditions	4	3	2	1	0
9.	Procedures and methods for screening for handicapping conditions	4	3	2	1	0
10.	Types and purposes of testing	4	3	2	1	0
11.	Test interpretation	4	3	2	1	0
12.	Update on psychoeducational tests and reports	4	3	2	1	0
13.	Effective monitoring procedures	4	3	2	1	0
14.	Transporting special education students	4	3	2	1	0
15.	Administrator's role in special education	4	3	2	1	0
16.	Developmental stages associated with cognitive development of students	4	3	2	1	0
17.	Knowledge of specific handicapping conditions/ characteristics	4	3	2	1	0

E. FEDERAL AND STATE REGULATIONS

1.	Due process	4	3	2	1	0
2.	Least restrictive environment	4	3	2	1	0
3.	Confidentiality of information	4	3	2	1	0
4.	Placement procedures	4	3	2	1	0
5.	Related services	4	3	2	1	0
6.	Non-discriminate grading and awarding diplomas to handicapped students	4	3	2	1	0
7.	Legal aspects of discipline and suspension	4	3	2	1	0
8.	Funding of special education	4	3	2	1	0
9.	Role of the Regional Education Service Centers	4	3	2	1	0
10.	Policies of state/federal agencies affecting the handicapped	4	3	2	1	0
11.	Professional liability	4	3	2	1	0
12.	Architectural barriers	4	3	2	1	0
13.	Other ______________________________ ______________________________	4	3	2	1	0

F. Prioritize the six (6) most critical areas to you

____

____

____

____

____

PUBLIC AGENCY
MONITORING DOCUMENT

FOR
SPECIAL EDUCATION
IN
OKLAHOMA

Oklahoma State Department of Education
John M. Folks
State Superintendent of Public Instruction

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PUBLIC AGENCY MONITORING DOCUMENT

Abstract

Public education agencies can use this monitoring guide to review their special education program or as a reference on required processes and procedures. It delineates an agency's responsibility under both state and federal legislation relative to education for the handicapped. It will also serve as documentation required of public education agencies to receive federal handicapped funds. Department staff will use this guide as an outline to conduct monitoring visits.

KEY TO CITATIONS:

34 CFR - Code of Federal Regulations
OS - Oklahoma Statute
OCR-OSDE-MOU - Office of Civil Rights, Oklahoma State Department of Education, Memorandum of Understanding
CA - Court of Appeals
MOU - Memorandum of Understanding
CFR (300'S) - Public Law 94-142
CFR (76'S) - Education Department General Administrative Regulations (EDGAR)
CFR (99'S) - Family Educational Rights and Privacy Act (FERPA)
MOA - Memorandum of Agreement

POSSIBLE SOURCES OF DOCUMENTATION (may include but not be limited to):

District Plan
LEA Policy
Court Orders
Child Count - District Certification
Annual Data Report
Interagency Agreement
Memorandum of Understanding
Student Records
Parent/Surrogate Interview
Certification
Child Find
Maintenance of Fiscal Applications
Audit Records of Program Funds

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SECTION	SUBJECT
1	**FREE APPROPRIATE PUBLIC EDUCATION**
1.1	All children with exceptional educational needs for who the public agency is responsible are provided with a fr appropriate public education (FAPE) defined by state ar federal statutes. [34 CFR 300.121(a)] [OS 70-13-101] **Comments:** Special Education and related services are provided to a eligible children with exceptional educational needs: 1. Ages birth through 21 for severely handicapp children who have not completed a seconda program. 2. Ages 4 through 21 who have not completed secondary program. 3. Education to nonhandicapped children equivale to proportionate number of handicapped children. [34 CFR 300.300; 34 CFR 300.5; 34CFR 300.13] [OS 70-13-101; OS 70-13-111(b)] **Comments:**
1.2	The public agency ensures compliance with Section 504 the Rehabilitation Act of 1973, 29 U.S.C. 794: "No otherwis qualified handicapped individual . . . shall, solely by reaso of his handicap, be excluded from the participation in, denied the benefits of, or be subjected to discriminatio under any program or activity receiving federal financi assistance." [34 CFR 76.500; 34 CFR 104.4] [OCR-OSDE-MOU] **Comments:**

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SECTION	SUBJECT
1.3	The public agency ensures compliance with Title VI of the Civil Rights Act of 1964, 45 U.S.C. 2000d through 2000 d-4: "No person in the U.S. shall, on the basis of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance." [34 CFR 76.500; 34 CFR 100.] [OCR-OSDE-MOU] **Comments:**
1.4	The public agency ensures compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. 1681-1683: "No person in the U.S. shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance." [34 CFR 76.500; 34 CFR 106.] [OCR-OSDE-MOU] **Comments:**
1.5	The public agency's procedures for child find cover all handicapped children and youth, ages birth through 21. [34 CFR 300.300; 34 CFR 300.200] **Comments:**

YES	NO	DOCUMENTATION

SECTION	SUBJECT
2	**RESIDENTIAL PLACEMENT**
2.1	The public agency provides residential placement at no cost to the parent including non-medical care and room and board if necessary for educational purposes and includes placement in state-operated schools for the handicapped such as the State School for the Deaf or Blind. **Comments:**

SECTION	SUBJECT
3	**PROPER FUNCTIONING OF HEARING AIDS**
3.1	The public agency ensures that the hearing aids worn by deaf and hard-of-hearing children in school are functioning properly. [34 CFR 300.303] **Comments:**

YES	NO	DOCUMENTATION

YES	NO	DOCUMENTATION

SECTION	SUBJECT
4	**FULL EDUCATIONAL OPPORTUNITY GOAL**
4.1	**The public agency establishes and implements a goal providing full educational opportunity to all handicapp children in the area served by the public agency. [34 CFR 300.304] [OS 70-13-101; OS 70-13-111]** **Comments:**

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SECTION	SUBJECT
5	**PROGRAM OPTION**
5.1	The public agency takes steps to ensure that its handicappe children have available to them the variety of educationa programs and services available to nonhandicapped childre in the area served by the agency. [34 CFR 300.305] [OS 70-13-101; OS 70-13-111; OS 70-1210-508] a. Art b. Music c. Industrial Arts d. Consumer and Homemaking Education e. Vocational Education **Comments:**
5.2	The public agency takes steps to provide nonacademic an extracurricular services and activities in such manner as i necessary to afford handicapped children an equa opportunity for participation in those services and activities [34 CFR 300.306] [OS 70-13-101; OS 70-13-111] a. Counseling b. Athletics c. Transportation d. Health Services e. Recreational activities sponsored by the publi agency f. Special interest groups or clubs sponsored by th public agency g. Referrals to agencies which provide assistance t handicapped persons h. Employment of student 1. By public agency 2. Outside employment **Comments:**

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SECTION	SUBJECT
5.3	The public agency provides or arranges for the provisio nonacademic and extracurricular services and activit including meals, recess periods, and the service activities forth in 34 CFR 300.306 of Subpart C, each public age shall ensure that each handicapped child participates v nonhandicapped children in those services and activitie the maximum extent appropriate to the needs of that chil [34 CFR 300.553] **Comments:**
5.4	A. Physical education services, specially designe necessary, are made available to every handicap child receiving a free appropriate public education. B. Each handicapped child is afforded the opportunit participate in the regular physical education prog available to nonhandicapped children unless: 1. The child is enrolled full time in a separate faci or 2. The child needs specially designed physi education, as prescribed in the chil individualized education program. C. If specially designed physical education is prescribe a child's individualized education program, the pu agency responsible for the education of that ch provides the services directly, or makes arrangeme for it to be provided through other public or priv programs. D. The public agency responsible for the education handicapped child who is enrolled in a separate faci ensures that the child receives appropriate physi education services in compliance with paragraphs and (C) of this section. [34 CFR 300.307] [OS 70-11-103] **Comments:**

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SECTION	SUBJECT
6	**INDIVIDUALIZED EDUCATION PROGRAM (IEP)**
6.1	Public Educational Agency Responsibility A. The public agency develops and implements a individualized education program for each of i handicapped children. B. The public agency shall develop and implement a individualized education program for each handicappe child who: 1. Is placed in or referred to a private school or facili by that agency; or 2. Is enrolled in a parochial or other private scho and receives special education or related servic from that agency. [34 CFR 300.341] **Comments:**
6.2	Meetings A. Each public agency initiates and conducts meetings f the purpose of developing, reviewing, and revising handicapped child's individualized education program B. Each public agency initiates and conducts a meetin within thirty calendar days of a determination that handicapped child needs special education and relat services. C. Each public agency initiates and conducts meetings periodically review each child's individualiz education program and if appropriate revise i provisions. A meeting is held for this purpose at lea once a year. [34 CFR 300.343] **Comments:**

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SECTION	SUBJECT
6.3	The individualized education program team include following individuals: A. A representative of the public agency other tha child's teacher(s) who is qualified to provid supervise the provision of special education. [34 CFR 300.344(a)(1)] B. The child's teachers. [34 CFR 300.344(a)(2)] [SD] [OS 70-1-105; OS 70-3-104] 1. Special Education Teacher of Suspe Handicapping Condition 2. Regular Teacher C. One or both of the child's parents. [34 CFR 300.344(a)(3); 300.345(a)] D. The child, when appropriate. [34 CFR 300.344(a)(4)] E. Members of the evaluation team or some other p knowledgeable about the evaluation procedure familiar with the results of the evaluation (for i evaluations and 3-year reevaluations). [34 CFR 300.344(b)] F. A representative of a private school or facility, applicable. [34 CFR 300.347(a)(2)] [34 CFR 300.348(b)] G. Other individual(s) at the discretion of the parent agency. [34 CFR 300.344(a)(5)] H. A representative from the child's district of resid for a student placed in an out-of-district program. [34 CFR 300.220] **Comments:**

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SECTION	SUBJECT
6.4	To ensure parent participation in the individualize education program (IEP) committee meeting, the publi agency shall: A. Notify the parents early enough so that they will hav the opportunity to attend. [34 CFR 300.345(a)(1)] B. Schedule the meeting at a mutually agreed on time an place. [34 CFR 300.345(a)(2)] C. Indicate the purpose, time, and location of the meetin and who will be in attendance. [34 CFR 300.345(b)] D. Document alternative methods including telephon calls that are used to ensure parent participation whe parents cannot attend. [34 CFR 300.345(c)] E. Maintain a detailed record of phone call correspondence, and/or home visits made to encourag the parents to attend if the parents do not wish participate in developing the IEP. [34 CFR 300.345(d)] F. Take whatever action is necessary to ensure parent understand the proceedings at the meetin (interpreters, native language, mode communication). [34 CFR 300.345(e)] G. Provide parents a copy of the individualized educatio program on request. [34 CFR 300.345(f)] **Comments:**

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6.5	The individualized education program, which must precede placement, includes as a minimum, the following: A. Statement of the child's present levels of educational performance. [34 CFR 300.346(a)] B. Statement of the annual goals including short-term instructional objectives. [34 CFR 300.346(b)] C. Statement of the specific education and related services to be provided to the child. [34 CFR 300.346(c)] 1. Based on the child's needs rather than on the availability of services. 2. Provided at no cost to the parents. 3. Participation in regular education programs as able. D. The projected dates for initiation of services and the anticipated duration of the services. [34 CFR 300.346(d)] E. Appropriate objective criteria and evaluation procedures. [34 CFR 300.346(e)] F. Schedules for determining, on at least an annual basis, the degree to which the short-term instructional objectives are being achieved. [34 CFR 300.346(e)] **Comments:**

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SECTION	SUBJECT
6.6	The individualized education program is in effect prior to t beginning of each school year for continuing students. [34 CFR 300.342(a)] **Comments:**
6.7	The individualized education program is in effect prior to th provision of services. [34 CFR 300.342(b)(1)] **Comments:**
6.8	The individualized education program is implemented soon as possible following the IEP meeting. [34 CFR 300.342(b)(2)] **Comments:**
6.9	An annual meeting is held to review and revise each chil individualized education program. [34 CFR 300.343(d)] **Comments:**

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IEP REVIEW

Use State Form ________Yes ________No

All Parts Completely Filled Out:																		
1. Personal Information (name, etc.)																		
2. Level of Educational Performance																		
3. Strengths & Weaknesses																		
4. Annual Goal(s)																		
5. Documentation of Removal																		
6. Objectives (Measurable?)																		
7. Specific Educational & Related Services																		
8. Person(s) Responsible																		
9. Amount of Time																		
10. Beginning/Ending Date																		
11. Evaluation Procedures																		
12. Objectives Achieved																		
13. PE: Regular, Adaptive, or NA																		
14. Vocational Technical																		
15. Vocational Rehabilitation																		
16. Time in Regular Class																		
17. Date of Next IEP Meeting (within one year)																		
18. Least Restrictive Environment																		
19. All Appropriate Signatures																		
20. Parent Signature Not Avail., Documentation																		
21. State Mandated Testing																		

SECTION	SUBJECT
7	**PRIVATE SCHOOLS**
7.1	**Before a public agency places a handicapped child in private school or facility as a means of providing fre appropriate public education, the public agency shall:** **A. Develop an individualized education program for eac handicapped child placed in a private school or facility [34 CFR 300.347(a)(1)] [34 CFR 76.651-662]** **B. Ensure the attendance of a representative of th private school facility at the IEP meeting, or throug other means of participation including individual c conference telephone calls. [34 CFR 300.347(a)(2), 34 CFR 76.652]** **Comments:**
7.2	**After a child or youth enters a private school, informatio must be disseminated stating that:** **A. Meetings to review and revise the individualize education program may be initiated and conducted b the private school at the discretion of the public agency [34 CFR 300.347(b)(1)] [34 CFR 76.651]** **B. Parents and a public agency representative must b involved in any decision about the IEP and agree to an proposed changes before those changes ar implemented. [34 CFR 300.347(b)(2) [34 CFR 76.652]** **C. The public agency takes necessary steps to monitor an enforce compliance with Part B requirements by an private school or facility that implements a child' individualized education program. [34 CFR 300.347(c), 34 CFR 300.352] [34 CFR 76.651-652]** **Comments:**

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SECTION	SUBJECT
7.3	For a handicapped child or youth enrolled in a priv parochial school but receiving special education and r services from a public agency, the public agency shall: A. Initiate and conduct meetings to develop and revi individualized education program. [34 CFR 300.348(a), 76.652-654] B. Ensure the participation of the private s representatives in these meetings. [34 CFR 300.348(b), 76.652] **Comments:**
7.4	The public agency provides students enrolled in pr schools a genuine opportunity for equitable participat a manner consistent with the number of eligible pr school students and their needs. [34 CFR 300.452, 76.651(a)(1)(2)] **Comments:**
7.5	The public agency maintains continuing administr direction and control over funds and property that be students enrolled in private schools. [34 CFR 76.651(a)(3), 300.457, 300.459-460] Comments:

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SECTION	SUBJECT
7.6	The public agency consults with appropriat representatives of students enrolled in private schoo during all phases of the development and design of the publ agency project including: A. Which children will receive benefits under the project. B. How the children's needs will be identified. C. What benefits will be provided. D. How the benefits will be provided. E. How the project will be evaluated. [34 CFR 76.652(a), 300.347(2)] **Comments:**
7.7	The public agency consults with appropriate representative of students enrolled in private schools before the subgrante (i.e., local public agency) makes any decision that affects th opportunities of those students to participate in the project. [34 CFR 76.652(b), 300.348(b)] **Comments:**
7.8	The public agency gives the appropriate representative (private/public) a genuine opportunity to express their view regarding each matter subject to the consultatio requirements. [34 CFR 76.652(c), 300.348(b)] Comments:

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SECTION	SUBJECT
7.9	The public agency determines the following matters o basis comparable to that used in providing for participat of public school students: A. The needs of students enrolled in private schools. B. The number of those students who will participate i project. C. The benefits that the public agency will provide un the program to those students (i.e., consultati inservice, use of certain instructio equipment/material). [34 CFR 76.653, 300.453] **Comments:**
7.10	The program benefits that a public agency provides students enrolled in private schools are comparable quality, opportunity for participation, and scope to program benefits that the public agency provides students enrolled in public schools. [34 CFR 76.654(a), 300.452] **Comments:**

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SECTION	SUBJECT
7.11	If the public agency uses funds under a program for publi school students in particular attendance area or grade or ag level, the public agency ensures equitable opportunities fo participation by students enrolled in private schools who: A. Have the same needs as the public school students to b served. B. Are in that group, attendance area, or age or grad level. [34 CFR 76.654(b), 300.455] **Comments:**
7.12	If the needs of students enrolled in private schools are different from the needs of students enrolled in public schools, the public agency provides correspondingly different program benefits. [34 CFR 76.654(c), 300.453] **Comments:**
7.13	As a recipient of federal funds an LEA must provide information as follows: A. A description of how the public agency will meet the federal requirements for participation of students enrolled in private schools. B. The number of students enrolled in private schools who have been identified as eligible to benefit under the program. C. The number of students enrolled in private schools who will receive benefits under the program. D. The basis the public agency used to select the students.

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SECTION	SUBJECT
7.13 cont.	E. The manner and extent to which the public age consulted with appropriate representatives of stude enrolled in public schools. F. The places and times that the students will rece benefits under the program. G. The differences, if any, between the program bene the applicant will provide to public and private sc students and the reasons for the differences. [34 CFR 76.656, 300.452-453] **Comments:**
7.14	The public agency does not use program/project funds classes that are organized separately on the basis of sc enrollment or religion of the students if: A. The classes are at the same site. B. The classes include students enrolled in public sch and students enrolled in private schools. [34 CFR 76.657, 300.458] **Comments:**
7.15	The public agency does not use program funds to finance existing level of instruction in a private school or otherwise benefit the private school. [34 CFR 76.658(a), 300.460] **Comments:**

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SECTION	SUBJECT
7.16	The public agency uses program funds to meet the specifi needs of students enrolled in private schools rather than: A. The needs of a private school. B. The general needs of the students enrolled in a privat school. [34 CFR 76.658(b), 300.459] **Comments:**
7.17	The public agency uses program funds to pay for the service of an employee of a private school only if: A. The employee performs the services outside of his o her regular hours of duty; *and* B. The employee performs the services under publi supervision and control. [34 CFR 76.660, 300.456] **Comments:**

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SECTION	SUBJECT
7.18	The public agency maintains title to and administra control of all equipment and supplies acquired program funds: A. The public agency ensures that the equipmen supplies placed in a private school: 1. Are used only for the purposes of the project. 2. Can be removed from the private school wit remodeling the private school facilities. B. The public agency removes equipment or supplies a private school if: 1. The equipment or supplies are no longer neede the purposes of the project. 2. Removal is necessary to avoid use of the equip or supplies for other than project purposes. [34 CFR 76.661, 300.457] **Comments:**
7.19	The public agency ensures that program funds are not for the construction of private school facilities. [34 CFR 76.662, 300.456(c)(2)] **Comments:**

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SECTION	SUBJECT
7.20	If the average cost of meeting the needs of students in pu and private schools is different, the public agency expen different average amount commensurate with the differe in the average cost of meeting the needs of student private schools who receive benefits under the program. [34 CFR 76.655(b), 300.455] **Comments:**
7.21	If the average cost of meeting the needs of students in pu and private schools is the same, the public agency expe the same average amount of program funds for a stud enrolled in a private school who receives benefits under program as it does for a public school student who recei benefits under the program. [34 CFR 76.655(a), 300.455] **Comments:**

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SECTION	SUBJECT
8 8.1	**PROCEDURAL SAFEGUARDS** The parents of a handicapped child are afford accordance with §300.562-300.569 (see belo opportunity to inspect and review all education recor respect to: A. The identification, evaluation, and educa placement of the child, and B. The provision of a free appropriate public educa the child. [34 CFR 300.502] **Comments:**
8.2	A. 1. The parents of a handicapped child have th to obtain an independent educational evalua the child, subject to paragraphs B through E 2. Each public agency provides to parents, on r information about where an indepe educational evaluation may be obtained. B. If the parent disagrees with an evaluation obtai the public agency, the parent has the right independent educational evaluation (i.e., condu a qualified examiner who is not employed by the agency responsible for the education of the child) public expense (i.e., which the public agency pays for or ensures that it is otherwise provide cost to the parent). The public agency may ini hearing under §300.506 of this subpart to show t evaluation is appropriate. If the final decision the evaluation is appropriate, the parent still h right to an independent educational evaluation, at public expense.

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8.2 cont.	C. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation: 1. Are considered by the public agency in any decision made with respect to the provision of a free appropriate public education to the child, and 2. May be presented as evidence at a hearing under the subpart regarding that child. D. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation is at public expense. E. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, are the same as the criteria which the public agency uses when it initiates an evaluation. [34 CFR 300.503] **Comments:**
8.3	A. Written notice which meets the requirements under 34 CFR 300.505 is given to parents of a handicapped child a reasonable time before the public agency: 1. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, or 2. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. 3. Written parental consent is obtained before: (a) Conducting an individual evaluation; and [OS 70-1210.277] (b) Initial placement of a handicapped child in a program providing special education and related services.

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SECTION	SUBJECT
8.3 cont.	4. Except for preplacement evaluation and initial placement, written consent may not otherwise be required as a condition of any benefit to the parent or child. B. A parent's refusal to give written consent. A public agency may use the hearing procedures in 34 CFR 300.506 - 300.508 to determine if the child may be evaluated or initially provided special education and related services without parental consent. [34 CFR 300.504] **Comments:**
8.4	A. The Local Education Agency's (LEA's) written notice must include: 1. A full explanation of all of the procedural safeguards available to the parents; 2. A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected; 3. A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and 4. A description of any other factors which are relevant to the agency's proposal or refusal. B. The notice is: 1. Written in language understandable to the general public, and 2. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

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SECTION	SUBJECT
8.4 cont.	C. If the native language or other mode of communicatio of the parent is not a written language, the publi agency takes steps to ensure: 1. That the notice is translated orally or by othe means to the parent in his or her native languag or other mode of communication; 2. That the parent understands the content of th notice, and 3. There is written evidence that the requirements i paragraphs C1 and 2 of this section have been met. [34 CFR 300.505] **Comments:**
8.5	Each public agency is aware of and accesses the due proces system established and implemented by the Stat Department of Education. [34 CFR 300.506-300.512] [MOU] **Comments:**
8.6	A. During the pendency of any administrative or judicia proceeding regarding complaint, unless the publi agency and the parents of the child agree otherwise, th child involved in the complaint remains in his or he present educational placement. B. If the complaint involves an application for initia admission to public school, the child, with consent o the parents, is placed in the public school program unti the completion of all the proceedings. [34 CFR 300.513] **Comments:**

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SECTION	SUBJECT
8.7	Surrogate Parents A. Each public agency ensures that the rights of a chi are protected when: 1. No parent can be identified. ("Parent" means parent, a guardian; a person acting as a parent o child, or an appointed surrogate.) 2. The public agency, after reasonable efforts cann discover the whereabouts of a parents; or 3. The child is a ward of the court. B. Duty of public agency. 1. The public agency determines whether a chi needs a surrogate parent, and 2. Recruits and trains a surrogate parent for the chil when needed. C. Criteria for selection of surrogates. 1. The public agency selects a person as a surroga who: (a) Has no interest that conflicts with the intere of the child he or she represents; and (b) Has knowledge and skills that ensure adequa representation of the child. D. Any person assigned as a surrogate may not be employee of a public agency which is involved in t education or care of the child. E. The surrogate parent represents the child in matters relating to: 1. The identification, evaluation, and education placement of the child, and 2. The provision of a free appropriate public educati to the child. [34 CFR 300.514] F. The LEA shall list those surrogate parents now bei utilized on behalf of handicapped students. **Comments:**

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SECTION	SUBJECT
9	**STUDENT EVALUATION**
9.1	Testing and evaluation materials and procedures used the purposes of evaluation and placement of handicapp children are selected and administered so as not to racially or culturally discriminatory. [34 CFR 300.530] **Comments:**
9.2	Before any action is taken with respect to the init placement of a handicapped child in a special educati program, a full and individual evaluation of the chil educational needs is conducted in accordance with t requirements of 34 CFR 300.532. [34 CFR 300.531] **Comments:**
9.3	The public agency ensures that: A. Testing and other evaluation materials: 1. Are provided and administered in the child's nati language or other mode of communication, unles is clearly not feasible to do so; 2. Have been validated for the specific purpose which they are used; and 3. Are administered by trained personnel conformance with the instructions provided their producer;

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SECTION	SUBJECT
9.3 cont	B. The evaluation does not rely exclusively upon tests a materials which are designed to provide a sin general intelligence quotient; C. Tests are selected and administered so as best to ens that when a test is administered to a child w impaired sensory, manual, or speaking skills, the t results accurately reflect the child's aptitude achievement level or whatever other factors the t purports to measure, rather than reflecting the chi impaired sensory, manual, or speaking skills (exc where those skills are the factors which the t purports to measure); D. No single procedure is used as the sole criterion determining an appropriate educational program fo child; E. The evaluation is made by a multidisciplinary team group of persons, including at least one teacher or ot specialist with knowledge in the area of the suspec disability; and F. The child is assessed in all areas related to t suspected disability, including *where appropri* health, vision, hearing, social and emotional stat general intelligence, academic performan communicative status, and motor abilities. [34 CFR 300.532] **Comments:**

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10	**PLACEMENT**
10.1	The public agency ensures that:
	A. Within 15 calendar days of receipt of evaluation results, a team determines categorical eligibility. [OS 73-1-105]
	B. Data from a variety of sources is gathered and considered in the placement decision. [34 CFR 300.533(a)(1)]
	C. Information obtained from all sources (including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior) is documented. [34 CFR 300.533(a)(2)]
	D. Interpretation of evaluation data and determination of a child's placement in special education are made by a team of persons knowledgeable about:
	1. The child.
	2. The meaning of the evaluation data.
	3. Placement options. [34 CFR 300.533(a)(3)]
	E. Placement decisions are made in conformity with the least restrictive environment rules in 34 CFR 300.550-554. [34 CFR 300.533(a)(4)]
	F. If a determination is made that a child is handicapped and needs special education and related services, an individualized education program is developed for the child in accordance with 34 CFR 300.340-300.349. [34 CFR 300.533]
	G. Each child's placement is determined annually based on his/her individualized education program. [34 CFR 300.552(a)]
	Comments:

YES	NO	DOCUMENTATION

SECTION	SUBJECT
11	**REEVALUATION**
11.1	Each public agency conducts an evaluation of the child b on procedures that meet the requirements under [34 300.532], every three years or more frequently if condit warrant or if the child's parent or teacher request evaluation. [34 CFR 300.534] **Comments:**

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SECTION	SUBJECT
12	**SPECIFIC LEARNING DISABILITIES**
12.1	In evaluating a child suspected of having a specific learning disability, in addition to the requirements of 34 CFR 300.532, each public agency includes on the multidisciplinary evaluation team: A. 1. The child's regular teacher; or 2. If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or 3. For a child of less than school age, an individual qualified by the state educational agency to teach a child of his or her age; and B. At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. [34 CFR 300.540] **Comments:**
12.2	Each agency has developed criteria for determining the existence of a specific learning disability in accordance with 34 CFR 300.540. **Comments:**
12.3	Each agency shall document observation of academic or performance/behavior in the regular class or of age appropriate environment by a team member other than the child's teacher. [34 CFR 300.542] **Comments:**

YES	NO	DOCUMENTATION

SECTION	SUBJECT
12.4	The team prepares a written report of the results of th evaluation. A. The report includes a statement of: 1. Whether the child has a specific learning disability 2. The basis for making the determination; 3. The relevant behavior noted during the observatio of the child; 4. The relationship of that behavior to the child' academic functioning; 5. The educationally relevant medical findings, i any; 6. Whether there is a severe discrepancy betwee achievement and ability which is not correctabl without special education and related services; and 7. The determination of the team concerning th effects of environmental, cultural, or economi disadvantage. B. Each team member certifies in writing whether th report reflects his or her conclusion. If it does no reflect his or her conclusion, the team member submit a separate statement presenting his or her conclusions. [34 CFR 300.543] **Comments:**

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SECTION	SUBJECT
13 13.1	**LEAST RESTRICTIVE ENVIRONMENT** Each public agency establishes and implements procedur which meet the requirements of 34 CFR 300.550-300.556. **Comments:**
13.2	Each public agency: A. To the maximum extent appropriate, educat handicapped children, including children in public private institutions or other care facilities, wit children who are not handicapped, and B. Ensures that special classes, separate schooling other removal of handicapped children from the regul educational environment occurs only when the natu or severity of the handicap is such that education regular classes with the use of supplementary aids an services cannot be achieved satisfactorily. [34 CFR 300.550] **Comments:**
13.3	Each public agency has in place a continuum of alternati placements to meet the needs of handicapped children f special education and related services. [34 CFR 300.551] **Comments:**

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SECTION	SUBJECT
13.4	A. The child's educational placement is as close as possib to the child's residence. [34 CFR 300.552(a)(3)] B. Unless a handicapped child's individualized educatio program requires some other arrangement, the child educated in the school which he or she would attend not handicapped. [34 CFR 300.552(c)] C. Consideration is given to any potential harmful effe on the child or on the quality of services which he or sh needs. [34 CFR 300.552(d)] **Comments:**

	YES	NO	DOCUMENTATION
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SECTION	SUBJECT
14	**CONFIDENTIALITY**
14.1	The public agency ensures that it shall permit parents to inspect and review any educational records relating to their child which are collected, maintained, or used by the agency. [34 CFR 300.562(a)] **Comments:**
14.2	If a parent requests to inspect or review records, the public agency: A. Complies with the request without unnecessary delay before any meeting regarding an individualized education program or hearing related to the identification, evaluation, or placement of the child. [34 CFR 300.562(a)] B. Complies with the request within no more than 45 days. [34 CFR 300.562(a)] **Comments:**

YES	NO	DOCUMENTATION

SECTION	SUBJECT
14.3	The public agency's policy regarding the right to inspect and review records includes: A. A provision that the public agency responds to reasonable requests for explanations and interpretations of records. [34 CFR 300.562(b)(1)] B. A provision that the public agency provides copies of records containing information if failure to provide copies would effectively prevent the parent from exercising the right to inspect and review the records. [34 CFR 300.562(b)(2)] C. A provision that representatives of the parents have the right to inspect and review the records. [34 CFR 300.562(b)(3)] **Comments:**
14.4	The agency allows a parent to inspect and review records relating to his or her child unless the public agency has been advised that the parent does not have the authority under state law governing such matters as guardianship, separation, or divorce. [34 CFR 300.562(a) and (c)] **Comments:**

YES	NO	DOCUMENTATION

SECTION	SUBJECT
14.5	The participating agency: A. Keeps a record of parties obtaining access to education records collected, maintained, or used under this law. [34 CFR 300.563] B. The record of access includes name of the party, date access was given, and the purpose. [34 CFR 300.563] **Comments:**
14.6	If any education record includes information on more than one child, the public agency ensures that the parents of the child shall have the right: A. To review and inspect only the information relating to their child; or B. To be informed of that specific information. [34 CFR 300.564] **Comments:**
14.7	The public agency provides to parents, on request, a list of the types and locations of education records collected, maintained, or used by the public agency. [34 CFR 300.565] **Comments:**

	YES	NO	DOCUMENTATION

SECTION	SUBJECT
14.8	A public agency may charge for fees for copies of records providing: A. The public agency's procedures allow for charging a fee for copies of records if fee does not prevent parent from exercising the above right. [34 CFR 300.566(a)] B. The public agency does not charge a fee for search or retrieval of information for the parent. [34 CFR 300.566(b)] **Comments:**
14.9	Provision is made by the agency for amendment of records at parent request: A. A parent who believes that the education records collected, maintained, or used under this part are inaccurate, misleading or violate the privacy or other rights of the child may request the participating public agency maintaining the information to amend same. [34 CFR 300.567(a)] B. The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time after receiving the request. [34 CFR 300.567(b)] C. If the agency refuses to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a hearing. [34 CFR 300.567(c)] 1. On request, the agency provides an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. This hearing will be conducted according to the procedures under 34 CFR 99.22 of the Family Education Rights and Privacy Act. [34 CFR 300.568; 34 CFR 300.570]

YES	NO	DOCUMENTATION

SECTION	SUBJECT
14.9 cont.	2. If, as a result of the hearing, the agency decides that the information is inaccurate, misleading o otherwise in violation of the privacy or other rights of the child, it amends the information accordingly and so informs the parent in writing. [34 CFR 300.569(a)] 3. If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it informs the parents of the right to place in the records it maintains on the child, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the public agency. [34 CFR 300.569(b)] 4. The agency requires that any explanation by parents placed in the records of the child: (a) Be maintained by the public agency as part of the records as long as the record or contested portion is maintained by the agency. [34 CFR 300.569(c)(1)] (b) Be disclosed if the records of the child or the contested portion are disclosed by the agency to any party. [34 CFR 300.569(c)(2)] **Comments:**
14.10	The agency requires that parental or adult (18 or over) student consent be obtained before personally identifiable information is disclosed to anyone other than officials of participating agencies collecting or using this information or is used for any purpose other than meeting a requirement under this part. [34 CFR 300.571(a)(1) and (2)] **Comments:**

YES	NO	DOCUMENTATION

SECTION	SUBJECT
14.11	The agency documents the following safeguards regarding confidentiality: A. The public agency protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. [34 CFR 300.572(a)] B. One public agency official assumes responsibility for ensuring the confidentiality of any personally identifiable information. [34 CFR 300.572(b)] C. All individuals collecting or using personally identifiable information have received training/instruction in federal and state confidentiality policies and procedures. [34 CFR 300.572(c)] D. Each agency maintains for public inspection a current listing of the names and positions of the employees within the public agency who have access to personally identifiable information. [34 CFR 300.572(d)] E. The agency maintains each educational record for five years from the date each is generated, at which time an agency may determine that the information is no longer needed to provide educational services. [34 CFR 76.734] F. The agency informs parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child. [34 CFR 300.573(a)] G. The agency requires that information which is five years old and is no longer needed to provide educational services to the child, be destroyed at the request of parents (except that the student's name, address, phone number, grades, attendance record, classes attended, grade level completed may be maintained without time limitation). Parents will be notified 60 days before destruction and will be offered the opportunity to obtain the documents. If parents do not request the documents, the documents will be destroyed. [34 CFR 300.573(b)]

YES	NO	DOCUMENTATION

SECTION	SUBJECT
14.11 cont.	H. The agency will maintain all records involved in any legal action until the completion of the action or for five years, whichever is later. [34 CFR 74.21(b)] I. The agency ensures that children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of the disability. [34 CFR 300.574] **Comments:**
14.12	The public agency annually informs parents and adult (18 and over) students of their rights under section 438 of the General Education Provisions Act, Title IV of P.L. 90-247 as amended, the public agency's policies and procedures regarding confidentiality, and their right to file complaints regarding confidentiality. [34 CFR 99.6] **Comments:**
14.13	All parental rights regarding records shall pass to the child upon reaching the age of majority (age 18) or when attending an institution of post secondary education, unless a specific statute or a court decision directs otherwise. **Comments:**

YES	NO	DOCUMENTATION

SECTION	SUBJECT
15	**RESPONSIBILITY FOR ALL EDUCATIONAL PROGRAMS**
15.1	That each educational program for handicapped child administered within the state, including each progr administered by any other public agency meets educat standards of the state educational agency (including requirements of this part). [34 CFR 300.600] [MOA] **Comments:**
15.2	**Program Effectiveness**

SECTION	SUBJECT
16	**HEALTH OR SAFETY STANDARDS FOR FACILITIES**
16.1	The public agency shall comply with any federal health safety requirements that apply to the facilities that subgrantee uses for a project. [34 CFR 76.683] **Comments:**

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SECTION	SUBJECT
17	**COMPLIANCE WITH STATUTES, REGULATIONS, STATE PLAN AND APPLICATIONS**
17.1	A subgrantee shall comply with the Oklahoma State Plan and applicable statutes, regulations, and approved applications, and shall use federal funds in accordance with those statutes, regulations, plan, and applications. [34 CFR 76.700] **Comments:**
17.2	An agency shall comply with state statutes, regulations, policy and procedures as approved in the Oklahoma State Plan by: A. Conforming to class size/case load policies. B. Providing that handicapped children are taught specifically as designated by category and by a certified teacher. C. Providing a trained paraprofessional in the teaching of handicapped children categorized multiple-handicapped and/or deaf-blind. 1. Active 2. Inactive D. Providing home-based programs which permit instruction outside the school setting. E. Participating in the annual Public Law 89-313/94-142 child count (unduplicated). 0-21 *Year ________ *Year ________ EMH ________ ________ TMH ________ ________ HH ________ ________ D ________ ________ SI ________ ________ VH ________ ________ ED ________ ________ OI ________ ________ OHI ________ ________ LD ________ ________ DB ________ ________ MH ________ ________ TOTAL ________ TOTAL ________

YES	NO	DOCUMENTATION

SECTION	SUBJECT
17.2 cont.	F. Completing all necessary fiscal program/data requirements: 1. EHA-B Application (a) Part 1 - District Plan (b) Part 2 - Budget 2. PL 89-313 3. Preschool Incentive 4. Discretionary 5. Annual data report G. Providing services in conformity with approved application to students through: 1. ECHO 2. Deaf-Blind 3. VI Specialists 4. Special Services (a) Homebound (b) Deaf/Blind (c) Aid for the Physically Handicapped (d) Occupation Therapy/Physical Therapy (e) In-District Transportation (f) Out-of-District Transportation (g) Co-op Travel (h) School-to-Home telephone H. Assuring that the following steps will be taken to implement the Comprehensive System of Personnel Development (CSPD). 1. Establish a CSPD Committee. 2. Conduct an Annual Needs Assessment. 3. Implement inservice training (as indicated by Annual Needs Assessment) to appropriate personnel. (a) Special Educators (b) Regular Educators (c) Administrators (d) Related Services Personnel (e) Support Personnel (f) Parents (g) Private School Personnel (h) Institutions for Higher Education (i) Others, e.g., medical personnel, volunteers

YES	NO	DOCUMENTATION

SECTION	SUBJECT
17.2 cont.	4. Evaluate and annually update the above procedures. 5. Establish effective procedures for acquiring and disseminating to teachers and administrators significant information derived from educational research, demonstration, and similar projects. I. Providing delivery of special services to include a vocational rehabilitation counselor and others as appropriate for the transitional planning of the IEP and IWRP. [PL 93-112]

SECTION	SUBJECT
18	**ADMINISTRATION/SUPERVISION OF EACH PROJECT**
18.1	A subgrantee shall directly administer or supervise the administration of each project. [34 CFR 76.701] **Comments:**

YES	NO	DOCUMENTATION

YES	NO	DOCUMENTATION

SECTION	SUBJECT
19	**COMPLIANCE RECORDS**
19.1	A subgrantee shall keep records to show its compliance with program requirements. [34 CFR 76.731] **Comments:**

YES	NO	DOCUMENTATION

SECTION	SUBJECT
20	**ACCESSIBILITY**
20.1	The public agency program, when viewed in its entirety, is readily accessible to handicapped persons. (Not every building or part of a building need be accessible, but the program as a whole must be accessible.) A. In selecting alternative plans to make programs accessible, the public agency has given priority to those methods which allow handicapped persons to participate in programs/activities in settings which are the most integrated or are in the least restrictive environment appropriate. B. If structural changes were needed to achieve program accessibility, the public agency has developed a transition plan. C. The transition plan was developed with the assistance of handicapped persons or organizations serving as an advisory group. D. The transition plan is available for public inspection. [34 CFR 104.22] The plan shall at a minimum: 1. Identify physical obstacles in the recipients facilities that limit the accessibility of its program or activity to handicapped persons; 2. Describe in detail the method that will be used to make the facilities accessible. 3. Specify the schedule for taking the steps necessary to achieve full program accessibility; and 4. Identify the person responsible for implementation of the plan.

YES	NO	DOCUMENTATION

SECTION	SUBJECT
20.1 cont.	E. The public agency has implemented procedures th provide interested persons information as to t existence and location of services, activities a facilities that are accessible to and usable handicapped persons. 1. This information is available to persons wi impaired vision or hearing. **Comments:**
20.2	Each public agency shall design, construct or alter a facilities in such a manner that the facility or part of th facility is readily accessible to and usable by handicapp persons if the construction commenced after 1973. **Comments:**

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